

# EXHIBIT 1



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# Transcript of Patrick Pursley

**Date:** December 9, 2020

**Case:** Pursley -v- The City of Rockford, et al.

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Virtual Deposition of PATRICK PURSLEY

Wednesday, December 9, 2020

9:39 a.m. CST

Job No.: 338028

Pages: 1 - 163

Reported by: Tiffany M. Pietrzyk, CSR RPR CRR

1           Virtual deposition of PATRICK PURSLEY,  
2           pursuant to notice, before Tiffany M. Pietrzyk, a  
3           Certified Shorthand Reporter, Registered  
4           Professional Reporter, Certified Realtime Reporter,  
5           and a Notary Public in and for the State of  
6           Illinois.

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1 P R O C E E D I N G S

2 (Witness sworn.)

3 WHEREUPON:

4 PATRICK PURSLEY,

5 called as a witness herein, having been first duly  
6 sworn, was examined and testified as follows:

7 EXAMINATION

8 BY MR. IASPARRO:

9 Q. Good morning, Mr. Pursley.

10 A. Good morning.

11 Q. My name is Michael Iasparro. I'll be the  
12 first attorney asking you some questions today.

13 Mr. Pursley, have you ever testified under  
14 oath before?

15 A. I have.

16 Q. And when was that, sir?

17 A. I believe in a deposition regarding a suit  
18 against the conditions of confinement.

19 Q. Do you recall when that was?

20 A. About a year ago, year and a half ago.

21 Q. So you've done one of these before, and you  
22 know particularly when we're on video, like we are  
23 today, it's going to be important for us to make  
24 sure we have a clean record.

1           So I'll ask that you wait until I finish my  
2 question before you start an answer. There's a  
3 little delay, it seems like. I'll certainly wait  
4 for you to finish your answer before I ask any  
5 follow-up questions.

6           Does that make sense?

7           A. Yes, sir.

8           Q. All right.

9           If at any time today I ask you a question  
10 that you don't understand or you want me to repeat,  
11 tell me that. I want to make sure that we have a  
12 clean record and that you understand what I'm asking  
13 you. If you answer a question today, I'm going to  
14 presume that you understood what I asked.

15          Is that fair?

16          A. Yes, sir.

17          Q. And if at any time, Mr. Pursley, you need a  
18 break for any reason, just let me know. The only  
19 thing I'd ask is that we not take a break while  
20 there is a question pending.

21          Okay?

22          Is that all right?

23          A. Yes, sir.

24          Q. Okay.

1           Mr. Pursley, do you have any memory issues  
2           which might impact your ability to testify fully and  
3           completely today?

4           A. Some.

5           Q. I'm sorry.

6           Did you say no?

7           A. Yes.

8           Q. Okay.

9           A. Yes, I do.

10          Q. You do have memory issues?

11          A. Yes, I do.

12          Q. Okay.

13          Could you tell us about those, please?

14          A. Well, other than time, the time that's  
15          passed, I've also had two spine surgeries, and one  
16          of them had complications to where my spinal sac was  
17          cut and medications that I take. So there's some  
18          memory issues, but I believe I should be able to  
19          answer your questions to the best of my ability.

20          Q. Okay.

21          And those two spine surgeries, when were  
22          those?

23          A. They were January of '19. Well, I'm sorry.  
24          February of 2019.

1 Q. And was there a second one?

2 A. Yes. It was also in February of 2019.

3 Q. And when you say there were some  
4 complications which have impacted your memory, could  
5 you tell me a little bit more about that? How has  
6 it impacted your memory?

7 A. Well, stress. When I'm not eating  
8 correctly, I have a lot of nerve pain. I have a lot  
9 of nerve issues, and I have a slowed down digestive  
10 system diagnosed. So that impacts function. I  
11 sometimes lose things, inaccuracies. You know, I  
12 get flustered.

13 Q. Putting aside the passage of time, which  
14 obviously impacts everybody's memory, is there  
15 anything about the complications you've suffered  
16 from those spine surgeries that has impacted your  
17 long-term memory?

18 A. Just to the degree that I stated. I should  
19 be -- I should be fine, though.

20 Q. Okay.

21 A. I will answer all the questions to the best  
22 of my ability.

23 Q. Have you taken any medications in the last  
24 24 hours, sir?

1 A. Yes, sir.

2 Q. And what are those?

3 A. Oxcarbazepine, Meloxicam, Gabapentin,  
4 Losartan, hydrochlorothiazide.

5 Q. And to the best of your knowledge, what do  
6 you take those medications for?

7 A. I take those medications -- well, high blood  
8 pressure medications. The Meloxicam is for the  
9 swelling in my back. The Gabapentin is for the  
10 nerve pain. And the oxcarbazepine is for bipolar, I  
11 guess like for calmness or mental wellness. I have  
12 a lot of anxieties.

13 Q. Have you been diagnosed with bipolar  
14 disorder?

15 A. I have.

16 Q. And when was that diagnosis?

17 A. Probably earlier this year.

18 Q. Do you recall the name of the doctor who  
19 diagnosed you with bipolar disorder?

20 A. No.

21 Q. Was that a doctor in the Rockford area or  
22 someplace else?

23 A. Champaign.

24 Q. And where are you currently physically

1 located during today's deposition?

2 A. In Mahomet, Illinois, at home.

3 Q. And is that in Champaign, Illinois?

4 A. It's in Champaign County, yes.

5 Q. Okay. And that's where you live?

6 A. Yes, sir.

7 Q. And who do you live there with?

8 A. Michelle Carr.

9 Q. What is your relationship with Ms. Carr?

10 A. Fiancee, domestic partner, girlfriend. It  
11 varies.

12 Q. In the last 24 hours, Mr. Pursley, have you  
13 taken any drugs that we haven't talked about,  
14 non-prescribed medication, or alcohol?

15 A. I have not.

16 Q. I'd like to talk a little bit about your  
17 background, Mr. Pursley.

18 Can you tell me where you were born and  
19 where you grew up?

20 A. I was born in Elgin, Illinois, and I grew up  
21 all over Northern Illinois.

22 Q. When you say you grew up all over Northern  
23 Illinois, was there a particular town or city where  
24 you spent most of your childhood?

1 A. I spent most of my childhood in Elgin.

2 Q. And did you go to school in Elgin?

3 A. I did.

4 Q. How far did you go in school?

5 A. In Elgin?

6 Q. Yes.

7 A. Beginning of the ninth grade.

8 Q. And what happened at that time?

9 A. I was placed into DCFS.

10 Q. Was that in Elgin, or was that someplace  
11 else?

12 A. It was Illinois Department of Child and  
13 Family Services Agency.

14 Q. And tell me about that. Did you go to a  
15 facility? Were you placed into a foster home?

16 A. I was placed in, I believe, between 13 and  
17 15 different facilities, institutions, and foster  
18 homes from 14 to 17.

19 Q. And was that all in the Northern Illinois  
20 area?

21 A. Yes, sir.

22 Q. And you indicated you went through ninth  
23 grade -- or at least part of ninth grade in Elgin.

24 Did you attend any other high schools

1 anywhere beyond the ninth grade?

2 A. Yes.

3 Q. And where was that?

4 A. Rockford, Illinois.

5 Q. Which high school in Rockford, Illinois?

6 A. West High School.

7 Q. Okay.

8 A. West High School.

9 Q. Thank you.

10 Which years did you attend West High School?

11 A. I believe 1982 or 1983.

12 Q. Did you graduate from West High School or  
13 any other high school?

14 A. I did not.

15 Q. When did you first come to Rockford,  
16 Illinois?

17 A. I believe in 1980.

18 Q. And how did that come about?

19 A. I was placed in a group home.

20 Q. Do you recall how long you lived in that  
21 group home in Rockford?

22 A. Not exactly.

23 Q. Was West High School the last high school  
24 you attended in 1982 or 1983?



1 A. I believe so, yes.

2 Q. What did you do after you stopped attending  
3 West High School? Did you begin working somewhere?  
4 What did you do?

5 A. I worked.

6 Q. You worked in Rockford?

7 A. Yes, I worked. I worked in Rockford, yes.

8 Q. And can you tell me where in Rockford you  
9 worked starting about that time frame?

10 A. I worked for Joseph Bare, washing cars. I  
11 worked at Rax Roast Beef.

12 Q. Any other jobs that you had back in the  
13 early to mid 1980's that you can think of?

14 A. That were in Rockford?

15 Q. Or anywhere else.

16 A. Are you talking just Rockford? Yes.

17 Q. Okay.

18 Tell me where else you worked, whether it  
19 was in Rockford or elsewhere.

20 A. I worked for Griffith Enterprises. I worked  
21 for -- I worked in building renovation with Griffith  
22 Enterprises. I worked in landscaping. I did summer  
23 jobs.

24 Q. You talked a little bit already about some

1 back issues you've had, Mr. Pursley.

2 How would you describe the state of your  
3 health as you sit there today?

4 A. Moderate.

5 Q. And why do you say moderate?

6 A. Because I still -- I still deal with daily  
7 pain and daily dietary issues and mental faculties.

8 Q. When you say daily pain, you've talked about  
9 the back issues.

10 Is the daily pain you're referring to  
11 limited to back pain?

12 A. No.

13 Q. What other types of pain do you suffer from?

14 A. Nerve pain that goes down my leg into my  
15 ankles. Even though I have not been diagnosed, I  
16 believe like arthritic joints. Like my shoulders, I  
17 have -- that's pretty much it, the nerve pain in my  
18 legs and back.

19 Q. When did you first start experiencing back  
20 pain or back discomfort?

21 A. Prior to my release from prison.

22 Q. Do you recall about what year that was?

23 A. It was -- I would think around 2017. It was  
24 just in that area. It was -- I didn't think it

1 was -- I didn't think it was major.

2 Q. Was there something that initiated that  
3 pain, that you believe started to cause that pain at  
4 that time?

5 A. Workouts, exercise, the jail bunk. Just  
6 different -- different -- you know, different  
7 activities.

8 Q. And when were you released from prison,  
9 Mr. Pursley?

10 A. I bonded out in April 2017.

11 Q. And as I understand it, there were some  
12 intermittent periods of time between April 2017 and  
13 your acquittal in January 2019 when you were back  
14 incarcerated at the Winnebago County Jail.

15 Is that accurate?

16 A. Yes.

17 Q. The Zoom cut off there for a moment.

18 I don't see Mr. -- there he is.

19 Can everybody hear me?

20 MS. LEFF: Yes.

21 A. I can.

22 MR. HUOTARI: I can hear you loud and clear,  
23 Mike.

24 BY MR. IASPARRO:

1 Q. Mr. Pursley, I want to start talking about  
2 the Andrew Ascher case. We all know why we're here.  
3 Let's start with this.

4 You know a person by the name of Samantha  
5 Crabtree. Is that fair to say?

6 A. Yes.

7 Q. When did you first meet Samantha Crabtree?

8 A. I believe while in work release.

9 Q. Do you recall what year that was?

10 A. Possibly '91 or '92.

11 Q. And where was that when you first met  
12 Ms. Crabtree?

13 A. At Burger King.

14 Q. Was that in Rockford?

15 A. Yes.

16 Q. Which Burger King in Rockford?

17 A. Auburn and -- Auburn and Kilbourn.

18 Q. And were you working there at that time?

19 A. Yes.

20 Q. Was Ms. Crabtree also working there at the  
21 time?

22 A. Yes.

23 Q. At some point, did you begin a dating  
24 relationship with Ms. Crabtree?

1 A. Yes.

2 Q. And to the best of your recollection, when  
3 did that relationship begin?

4 A. I believe in the summer of '92.

5 Q. And at some point, did you begin living with  
6 Ms. Crabtree?

7 A. Yes.

8 Q. Again, to the best of your recollection,  
9 when did you begin living with Ms. Crabtree?

10 A. Probably the same time.

11 Q. Somewhere in the summer of 1992?

12 A. Yes.

13 Q. Where was that, sir?

14 A. On Ashland in Rockford, Illinois.

15 Q. The address I've seen was 901 Ashland,  
16 Apartment 2.

17 Does that sound right?

18 A. Yes.

19 Q. Can you describe that apartment for me?

20 A. A two-bedroom apartment upstairs, one bath.

21 Q. Did anybody else live at that apartment with  
22 you and Ms. Crabtree?

23 A. Her children.

24 Q. Ms. Crabtree's children?

1 A. Yes.

2 Q. What were their names?

3 A. Marcus, Danny, and Erica.

4 Q. And those three were not your children; is  
5 that true?

6 A. Correct.

7 Q. At some point, did Ms. Crabtree become  
8 pregnant with your child?

9 A. Yes.

10 Q. And when --

11 A. Yes.

12 Q. Okay. When do you recall learning that  
13 Ms. Crabtree was pregnant with the child that you  
14 share?

15 A. I'm not sure.

16 Q. We'll get to this a little bit later on, but  
17 do you recall if you learned that information while  
18 you were incarcerated at the Winnebago County Jail  
19 or before?

20 A. I'm uncertain on that.

21 Q. Okay. And for time frame purposes, as I  
22 understand it, you were arrested for the charges you  
23 faced with respect to the Andrew Ascher murder on  
24 June 16, 1993.

1 Does that sound accurate?

2 A. Yes.

3 Q. All right. And as you sit there today, you  
4 don't know if you knew whether Ms. Crabtree was  
5 pregnant with your child before or after that time;  
6 is that a fair statement?

7 A. Yes.

8 Q. Do you recall when Ms. Crabtree had your  
9 daughter?

10 A. In January of 1994.

11 Q. And what is that child's name, your  
12 daughter's name?

13 A. Nija Pursley.

14 Q. That's N-i-j-a; is that right?

15 A. Yes.

16 Q. Do you and Ms. Crabtree have any other  
17 children together?

18 A. No.

19 Q. Mr. Pursley, when is the last time you spoke  
20 to Samantha Crabtree?

21 A. A few months ago.

22 Q. Was that in-person or via telephone?

23 A. It was on the phone.

24 Q. And what were the circumstances which led

1 you and Ms. Crabtree to speak by phone a few months  
2 ago?

3 A. Regarding my daughter's graduation.

4 Q. When was the last time you saw Ms. Crabtree?

5 A. I may have seen her one or two times since  
6 my release. I can't be certain like what month  
7 or -- I haven't seen her this year.

8 Q. And prior to that occasion a few months ago  
9 when you spoke on the phone about your daughter's  
10 graduation, do you recall the next time preceding  
11 that that you spoke to Ms. Crabtree?

12 A. I do not. It was more or less in passing  
13 regarding my daughter.

14 Q. How would you describe the nature of your  
15 relationship with Samantha Crabtree today?

16 A. Cordial. She's my -- the mother of my  
17 daughter. Cordial.

18 Q. Have you had any conversations with Samantha  
19 Crabtree about this lawsuit that we're talking about  
20 today?

21 A. I have not.

22 Q. How would you describe the nature of your  
23 relationship with your daughter Nija?

24 A. Good.



1 Q. Does your daughter Nija have a good  
2 relationship with Samantha Crabtree?

3 MS. LEFF: I'll object to foundation.  
4 You can still answer.

5 A. I don't know.

6 Q. Mr. Pursley, are you familiar with a written  
7 statement that Ms. Crabtree gave on June 10, 1993,  
8 in relation to the Andrew Ascher homicide  
9 investigation?

10 A. I am.

11 Q. You've seen that document before?

12 A. I have.

13 Q. Were you present at the Rockford Police  
14 Station on June 10, 1993, wherein that statement was  
15 given?

16 A. No.

17 Q. Were you present for any interview or  
18 interrogation of Samantha Crabtree by Rockford  
19 police officers in relation to that written  
20 statement?

21 A. No.

22 Q. Do you also have knowledge that Samantha  
23 Crabtree testified before the Winnebago County grand  
24 jury on June 23, 1993, regarding the Andrew Ascher

1 murder?

2 A. Yes.

3 Q. And have you seen a copy of that testimony,  
4 that transcript of her grand jury testimony?

5 A. Yes.

6 Q. Were you present in the grand jury on  
7 June 23, 1993, during Samantha Crabtree's testimony?

8 A. No.

9 Q. Were you present in the courtroom on that  
10 day when Ms. Crabtree appeared before a circuit  
11 court judge and was granted immunity prior to her  
12 grand jury testimony?

13 A. No.

14 Q. Do you know a man named Marvin Windham,  
15 Mr. Pursley?

16 A. Yes.

17 Q. How do you know Mr. Windham?

18 A. I believe I met him on work release.

19 Q. Do you recall what year that was?

20 A. Not exactly.

21 Q. And work release -- when you say you met him  
22 in work release, where would that have been?

23 A. Winnebago County.

24 Q. Did you and Mr. Windham become friends after

1       that time?

2           A. Associates.

3           Q. What do you mean by that? That word could  
4       mean different things to different people.

5           A. I knew him casually. I really can't -- like  
6       friendship is something different.

7           Q. How often would you see Marvin Windham after  
8       you met him on work release?

9           A. Could you be more specific? Are you talking  
10      about while in work release?

11          Q. Well, that's fair.

12                Let's talk -- first, let me ask you this:  
13      How long were you in work release in Winnebago  
14      County?

15          A. A few months.

16          Q. Do you recall when your time at work release  
17      in Winnebago County ended?

18          A. Yes.

19          Q. When was that?

20          A. Not the date. I don't remember the date. I  
21      just know I got violated and got sent back to DOC.  
22      I don't know the months or the date.

23          Q. Okay. How long did you spend back in DOC  
24      after you were violated?

1 A. A few more months.

2 Q. Do you recall when you were released from  
3 DOC after -- sorry.

4 A. Either --

5 Q. Go ahead.

6 A. Either spring or summer of -- I'm sorry.

7 Either the spring or summer of '92 or '93 --  
8 I mean, the spring or summer '92 -- the spring or  
9 summer '92.

10 Q. And did you come back to Rockford after your  
11 release from DOC at that time?

12 A. Yes.

13 Q. Is that when you began working at the Burger  
14 King that we discussed earlier?

15 A. That was when I went back to work at the  
16 Burger King. I worked at Burger King while in work  
17 release. And when I got released, I also worked at  
18 Burger King again.

19 Q. Okay. After you were released from DOC in  
20 the spring or summer of '92 after being violated,  
21 when do you recall was the next time you encountered  
22 or saw Marvin Windham?

23 A. I don't remember the exact month. It was --  
24 I don't remember the next month. It had to be

1 within a matter of a few months, couple months.

2 Q. And do you recall whether that was just a  
3 random-chance encounter or whether one of you  
4 initiated that contact?

5 A. I do not recall.

6 Q. Starting with that middle of '92 time frame  
7 through June of 1993, so that year or so of spread,  
8 could you describe for us how often you saw Marvin  
9 Windham over that course of time?

10 A. Occasionally. I don't -- just occasionally.

11 Q. And what were the circumstances under which  
12 you would see Mr. Windham occasionally?

13 A. I helped him move once. I think we had  
14 dinner. We had dinner at my house. I seen him in  
15 different -- different contexts, different times,  
16 visits.

17 Q. How many times would he come to your house  
18 or did he come to your house?

19 MS. LEFF: Object to form. Incompleteness  
20 as to the time period.

21 A. I don't know.

22 Q. Do you recall where he lived, where you  
23 helped him move?

24 A. On Rockton.

1 Q. How far from your apartment on Ashland was  
2 that?

3 A. A few blocks.

4 Q. During the course of this case and the other  
5 proceedings related to this case, the underlying  
6 criminal proceedings, have you learned that Marvin  
7 Windham provided information to the police regarding  
8 the Andrew Ascher homicide?

9 A. Yes.

10 Q. And starting with, in particular, an  
11 anonymous phone call on June 8, 1993 to Crime  
12 Stoppers, have you learned that Mr. Windham made an  
13 anonymous call to Crime Stoppers on June 8, 1993?

14 A. Yes.

15 Q. Were you a party to that conversation?

16 A. No.

17 Q. Did you have any knowledge that Mr. Windham  
18 was going to make a call to Crime Stoppers on  
19 June 8, 1993, before he did so?

20 A. No.

21 Q. Have you become aware of the fact that  
22 Mr. Windham provided a written statement to Rockford  
23 police officers on June 12, 1993?

24 A. Yes.

1 Q. Have you seen a copy of that written  
2 statement?

3 A. I have.

4 Q. Were you present at the Rockford police  
5 department when the Rockford police detectives took  
6 the written statement from Marvin Windham on  
7 June 12, 1993?

8 A. No.

9 Q. I want to back up for a moment to June 10th  
10 of 1993, the date that Ms. Crabtree gave the written  
11 statement we talked about earlier.

12 Were you with Ms. Crabtree earlier that day  
13 before she went down to the police station?

14 A. I believe so, yes.

15 Q. And where were you with Ms. Crabtree prior  
16 to her going down to the police station?

17 MS. LEFF: I'm going to object to foundation  
18 in terms of his knowledge of when she went.

19 Q. Well, let me ask the question a little  
20 differently.

21 Do you recall being followed by some  
22 Rockford police officers in the afternoon of  
23 June 10, 1993, from your apartment on Ashland to a  
24 house over on Evergreen?

1           A. I remember being followed, and at that time,  
2 I did not know it was Rockford police officers.

3           Q. Okay. When you say you remember being  
4 followed, what was your understanding at that time  
5 about who was following you, why you were being  
6 followed?

7           A. I -- who was following me and why I was  
8 being followed?

9           Q. Yeah. What I'm interested in knowing is  
10 what your understanding was at that time.

11          A. That there was a vehicle parked in front of  
12 my house, and when I called down to Samantha, I saw  
13 a vehicle parked there. I believe the engine was  
14 running. When I came downstairs a few minutes later  
15 and we left, the vehicle then followed us.

16          Q. And if I understand the course of events,  
17 you and Ms. Crabtree ended up over on Evergreen  
18 Avenue shortly after that; is that accurate?

19          A. Yes.

20          Q. And were you going to a particular location  
21 on Evergreen?

22          A. Yes.

23          Q. And what was that?

24          A. Myra Foster's house.



1 Q. Myra Foster was also known as Peachy; is  
2 that correct?

3 A. Yes.

4 Q. What was your relationship with Myra Foster?

5 A. It was a good relationship. It was a really  
6 good relationship.

7 Q. Let me ask it a little differently.

8 How did you know Myra Foster?

9 A. She was my son's -- she is my son's  
10 grandmother.

11 Q. And your son's name is what?

12 A. Tremain Anthony Pursley.

13 Q. Between leaving 901 Ashland and getting to  
14 Myra Foster's house on Evergreen that afternoon,  
15 June 10, 1993, did you at any point come to  
16 understand that you were being followed by police  
17 officers?

18 A. You're saying from the time we left my house  
19 to the time that we arrived at Myra Foster's house,  
20 did I know it was police officers?

21 Q. Yes.

22 A. No.

23 Q. Your video turned off there.

24 There you go.

1 A. I'm sorry. It was --

2 Q. It's okay.

3 A. My apologies.

4 Q. If I understand what happened that day based  
5 on my review of the records in this case, you got  
6 out of the car and took off running through some  
7 yards on Evergreen.

8 Do you recall that?

9 MS. LEFF: Object to form.

10 Q. I'm sorry.

11 If you answered, I didn't hear you,  
12 Mr. Pursley.

13 A. Yes.

14 Q. Why did you take off running from your car  
15 that day on Evergreen Avenue?

16 A. Fear.

17 Q. Of what?

18 A. Well, where I lived was kind of dangerous.  
19 And so my thinking was if the -- whoever was in this  
20 van did not approach Samantha while she was  
21 downstairs at the car for a few minutes, and whoever  
22 it was, they were possibly after me. So I felt if I  
23 ran, they would focus on me, they would come after  
24 me, and that Samantha and the kids would be safe at

1 Myra's house. We weren't going to Myra's house. We  
2 were going to a birthday party, and I told her to go  
3 there as like a safeguard.

4 Q. And the birthday party that you were going  
5 to, where was that going to be held?

6 A. It was going to be in Elgin.

7 Q. Before you got out of the car and took off  
8 running, did you have any conversation with  
9 Ms. Crabtree?

10 A. I don't remember. I remember telling her to  
11 turn, like, you know -- I don't remember the exact  
12 nature of the conversation, but I instructed her to  
13 go to Myra's house.

14 Q. At some point, did you realize that there  
15 were police officers who were chasing you through  
16 the neighborhood that day?

17 MS. LEFF: Object to form. Assumes facts  
18 not in evidence.

19 A. Yes.

20 Q. When was that?

21 A. I would say within -- within the hour that I  
22 ran.

23 Q. Did you go track down a Rockford police  
24 officer or detective to see what they wanted?

1 A. No.

2 Q. Why not?

3 A. Because I feared incarceration or death or  
4 just -- you know, period, just -- I fled.

5 Q. At that time on June 10, 1993, did you have  
6 any knowledge that Marvin Windham had made an  
7 anonymous call to Crime Stoppers on June 8, 1993?

8 A. No.

9 Q. And at that time -- and by time, I mean when  
10 you got out of the car and started running -- did  
11 you know that Rockford police detectives had a  
12 search warrant to search your and Ms. Crabtree's  
13 apartment on Ashland?

14 A. No.

15 Q. When did you first learn that?

16 A. The search warrant?

17 Q. Yes.

18 A. Are you talking about the search warrant?

19 Q. Just the search warrant.

20 A. After my incarceration.

21 After my incarceration.

22 Q. Okay. So sometime after June 16, 1993?

23 A. Yes.

24 Q. When did you first learn that Marvin Windham

1 had provided information to the police about the  
2 Andrew Ascher homicide?

3 A. After my incarceration, also.

4 Q. And when did you first learn that Samantha  
5 Crabtree had provided a statement to the police on  
6 June 10, 1993?

7 A. The same.

8 Q. Between June 10, 1993, and June 16, 1993,  
9 did you talk to Samantha Crabtree at all?

10 A. No.

11 Q. Did you know she had been arrested and  
12 locked up in the Winnebago County Jail?

13 A. I believe so, yes.

14 Q. Do you recall how you learned that  
15 information?

16 A. I believe through media, media reports.

17 Q. Did you make any attempt to go visit  
18 Ms. Crabtree?

19 A. No.

20 Q. Make any efforts to go bond her out?

21 A. No.

22 Q. Did you know what she had been charged with?

23 A. I don't recall that.

24 Q. Mr. Pursley, do you know a man by the name

1 of Lester "Latee" Brown?

2 A. Yes.

3 Q. And to the best of your recollection, when  
4 did you first meet Mr. Brown?

5 A. I believe the late '80s.

6 Q. Do you recall where you met him?

7 A. In Rockford.

8 Q. What were the circumstances?

9 A. Probably a friend's house.

10 Q. Did you and Mr. Brown develop a friendship?

11 A. Association. I would say association.

12 Q. How would you describe the nature of your  
13 relationship with Mr. Brown?

14 A. Then or now? Then or now?

15 Q. That's fair.

16 You said you met him, you think, in the late  
17 80's. Let's use that time frame, late 80's, early  
18 90's.

19 A. Yes. I knew him through the streets. I  
20 hung out with him a little -- hung out with him.

21 Q. Did you commit any crimes with Mr. Brown?

22 A. I would like to plead my Fifth Amendment  
23 right to remain silent, to be free from  
24 self-incrimination at this time.

1 Q. With respect to any crimes you may have  
2 committed with Mr. Brown, is that what you're  
3 saying?

4 A. In this instance, yes.

5 Q. Well, I didn't ask you that question with  
6 respect to Marvin Windham.

7 Did you commit any crimes with Marvin  
8 Windham at any time?

9 A. I would like to assert my Fifth Amendment  
10 right to be silent, to be free from  
11 self-incrimination.

12 Q. Mr. Pursley, did you commit any crimes with  
13 Samantha Crabtree at any time?

14 A. I would, again, like to assert my Fifth  
15 Amendment right to remain silent and be free from  
16 self-incrimination at this time.

17 Q. Mr. Pursley, did you murder Andrew Ascher  
18 with Samantha Crabtree?

19 A. No, I did not murder Andrew Ascher.

20 Q. You understand that Lester Brown gave a  
21 written statement to a Rockford police detective and  
22 FBI agent on December 29, 1993, regarding his  
23 knowledge of the Ascher homicide?

24 A. I've read documentation on it, yes.

1 Q. Okay. Were you present when Mr. Brown gave  
2 that written statement to Detective Forrester and  
3 the FBI agent?

4 A. No.

5 Q. Do you recall being visited by Mr. Brown at  
6 the Winnebago County Jail after your incarceration  
7 on June 16, 1993?

8 A. I do not.

9 Q. When you say you don't recall, are you  
10 saying it didn't happen, or you just don't remember?

11 A. I don't remember.

12 Q. If there's documentation from the Winnebago  
13 County Jail which indicates Mr. Brown visited you in  
14 June of 1993, do you have any reason to dispute  
15 that?

16 A. No. No.

17 Q. And as you sit there today, if Mr. Brown  
18 visited you at the Winnebago County Jail in June of  
19 1993, do you know why he would have done so?

20 MS. LEFF: Object to foundation.

21 You can answer, Patrick.

22 A. Well, I would -- I can only assume that I  
23 asked him to visit or he came to check on me. I'm  
24 not exactly sure the exact circumstance of that.



1 Q. And if you would have asked him to visit,  
2 why would that have been?

3 A. Because you're incarcerated.

4 Q. Do you know if Marvin Windham and Lester  
5 Brown knew each other in the summer of 1993?

6 A. I do not know.

7 Q. Do you recall having any conversations with  
8 either Marvin Windham or Lester Brown about the  
9 other?

10 A. I do not. I do not know. I do not know.

11 Q. Bear with me a second, Mr. Pursley. I'm  
12 going to pull up a document I'd like to show you.

13 (Exhibit 1 was marked for identification  
14 and is attached to the transcript.)

15 Q. Can you see that video, Mr. Pursley -- or  
16 that document?

17 A. Yes.

18 Q. Are you familiar with that document as the  
19 second amended complaint that was filed on your  
20 behalf about this case pending in federal court in  
21 Rockford?

22 A. Yes.

23 Q. Before that complaint was filed, did you  
24 have an opportunity to review it, make sure the

1       allegations in it were accurate to the best of your  
2       knowledge?

3             A. I did.

4             Q. And I'd like to direct your attention to  
5       paragraph 2.

6             Do you see that in front of you? It says,  
7       "The evidence used to secure Plaintiff's  
8       conviction was fabricated" --

9             A. Yes.

10            Q. Okay. I'd just read it for the record.

11            "The evidence used to secure Plaintiff's  
12       conviction was fabricated by defendant officers of  
13       the Rockford City Police Department and forensic  
14       scientists from the Illinois state police crime lab.  
15       There was no credible evidence connecting Plaintiff  
16       to the crime scene or the murder weapon."

17            Did I read that accurately, Mr. Pursley?

18            A. Yes.

19            Q. Mr. Pursley, what evidence are you  
20       contending was fabricated by the defendant officers  
21       of the Rockford City Police Department and forensic  
22       scientists from the Illinois State Police?

23            MS. LEFF: Objection. Calls for a legal  
24       conclusion.

1 Q. You can answer.

2 A. Ballistics, most notably; forced confession,  
3 as I understand it; disregarding crime scene  
4 evidence; and occurrence witness testimony who said  
5 I was not the person; disregarding physical evidence  
6 at the crime scene; and more or less, advancing a  
7 case that was -- that was false, that did not match  
8 up to what the crime scene showed.

9 Q. Let's break that down a little bit.

10 Let's start with ballistics.

11 When you say ballistics, what particular  
12 ballistics evidence are you contending was  
13 fabricated?

14 MS. LEFF: I'm going to object. Calls for a  
15 legal conclusion, and calls for expert testimony.

16 You can answer to the best of your  
17 understanding.

18 A. That the Taurus was used to kill Andy  
19 Ascher.

20 Q. Let me ask you a question. Maybe I should  
21 have asked it a couple of questions ago.

22 The word fabricated, what does that mean to  
23 you? What do you understand that to mean?

24 MS. LEFF: Objection. Calls for a legal

1 conclusion.

2 A. Made up.

3 Q. So when you testified just a moment ago that  
4 the Taurus 9-millimeter handgun -- that the  
5 conclusion that the Taurus 9-millimeter handgun was  
6 used to kill Andrew Ascher, that that was  
7 fabricated, who are you contending made that  
8 evidence up, fabricated that evidence?

9 MS. LEFF: I'll object to lack of  
10 foundation.

11 You can answer to the best of your  
12 knowledge.

13 A. Ballistics experts, Rockford PD, and a  
14 prosecutor that disregarded examination by defense  
15 experts who also generated photos to show that the  
16 gun was inconclusive or did not match. This is just  
17 my understanding of the case.

18 Q. And what evidence are you aware of that any  
19 Rockford police officer or Illinois State Police  
20 forensic scientist made up the conclusions or  
21 testimony relating to that Taurus 9 millimeter  
22 ballistics evidence?

23 MS. LEFF: Object to the extent it calls for  
24 a legal conclusion and for expert opinion.

1           You can answer to the best of your  
2 understanding.

3           A. Reports that were in my police reports and  
4 testimony that they offered in court and later  
5 backed away from or retracted.

6           Q. Well, let me just go down the list here.

7           What, if any, evidence are you aware of that  
8 James Barton fabricated or made up any evidence  
9 relating to the Ascher homicide investigation?

10          MS. LEFF: Object. Calls for a legal  
11 conclusion.

12          A. I do not know.

13          Q. What, if any, evidence are you aware of --

14          A. I don't know.

15          Q. No. I'm going to ask you a different  
16 question now.

17          What, if any, evidence are you aware of that  
18 Jim Bowman fabricated or made up any evidence  
19 relating to the Andrew Ascher investigation?

20          MS. LEFF: Objection. Calls for a legal  
21 conclusion.

22          A. I do not know.

23          Q. What, if any, evidence are you aware that  
24 Ron Gallardo made up or fabricated any evidence

1 relating to the Ascher homicide investigation?

2 MS. LEFF: Same objection.

3 A. I do not know.

4 Q. What, if any, evidence are you aware of that  
5 John Genens made up or fabricated any evidence  
6 relating to the Ascher homicide investigation?

7 MS. LEFF: Objection. Calls for a legal  
8 conclusion.

9 A. I do not know.

10 Q. What, if any, evidence are you aware of that  
11 Charlene Getty fabricated or made up any evidence  
12 relating to the Ascher homicide investigation?

13 MS. LEFF: Same objection.

14 A. I do not know.

15 Q. What, if any, evidence are you aware of that  
16 Jeff Houde fabricated or made up any evidence  
17 relating to the Ascher homicide investigation?

18 MS. LEFF: Same objection.

19 A. I do not know.

20 Q. What, if any, evidence are you aware of that  
21 Christine Bishop fabricated or made up any evidence  
22 relating to the Ascher homicide investigation?

23 MS. LEFF: Objection. Calls for a legal  
24 conclusion.

1 A. I do not know.

2 Q. What, if any, evidence are you aware of that  
3 Sam Pobjecky fabricated or made up any evidence  
4 relating to the Ascher homicide investigation?

5 MS. LEFF: Objection. Calls for a legal  
6 conclusion.

7 A. I do not know.

8 Q. What, if any, evidence are you aware of that  
9 Mark Schmidt fabricated or made up any evidence in  
10 relation to the Ascher homicide investigation?

11 MS. LEFF: Objection. Calls for a legal  
12 conclusion.

13 A. I do not know.

14 Q. What, if any, evidence are you aware of that  
15 Bruce Scott fabricated or made up any evidence  
16 relating to the Ascher homicide investigation?

17 MS. LEFF: Objection. Calls for a legal  
18 conclusion.

19 A. I do not know.

20 Q. What, if any, evidence --

21 A. I do not know.

22 Q. Okay. What, if any, evidence are you aware  
23 of that Doug Williams fabricated or made up any  
24 evidence relating to the Ascher homicide

1 investigation?

2 MS. LEFF: Objection. Calls for a legal  
3 conclusion.

4 A. I do not know.

5 Q. What, if any, evidence are you aware of that  
6 Greg Hanson fabricated or made up any evidence  
7 relating to the Ascher homicide investigation?

8 MS. LEFF: Same objection. Calls for a  
9 legal conclusion.

10 A. I do not know.

11 Q. What, if any, evidence are you aware of that  
12 Steven Pirages fabricated or made up any evidence  
13 relating to the Ascher homicide investigation?

14 MS. LEFF: Objection. Calls for a legal  
15 conclusion.

16 A. I do not know.

17 Q. What, if any, evidence are you aware of that  
18 Howard Forrester fabricated or made up any evidence  
19 relating to the Ascher homicide investigation?

20 MS. LEFF: Objection. Calls for a legal  
21 conclusion.

22 A. Only from what I read in the record, so I  
23 really do not know.

24 Q. And we're specific with Forrester now. Your



1 answer there was a little different, only from what  
2 you read in the record.

3 What does that mean?

4 A. Well, I can't say exactly what Howard  
5 Forrester did or did not do. But I know that his --  
6 his name is on the most reports, the critical  
7 reports, and so I can't say that I know exactly,  
8 only from what I read.

9 Q. Okay. You don't have any firsthand  
10 knowledge of what Detective Forrester did in this  
11 case because you weren't with him at any time he did  
12 any of his investigative activity in relation to the  
13 Ascher case.

14 Is that accurate?

15 MS. LEFF: I'm going to object. It assumes  
16 facts not in evidence.

17 Q. I'm sorry.

18 Can you answer, Mr. Pursley?

19 A. That is accurate.

20 Yes, that is accurate.

21 Q. Okay. Thank you.

22 What, if any, evidence are you aware of that  
23 Gary Reffett fabricated or made up any evidence  
24 relating to the Ascher homicide investigation?

1 MS. LEFF: Objection. Calls for a legal  
2 conclusion.

3 A. I do not know.

4 Q. What, if any, evidence are you aware of that  
5 David Ekedahl fabricated or made up any evidence in  
6 relation to the Ascher homicide investigation?

7 MS. LEFF: Objection. Calls for a legal  
8 conclusion.

9 A. I do not know.

10 Q. What, if any, evidence are you aware of that  
11 Daniel Gunnell from the State Police crime lab  
12 fabricated or made up any evidence in relation to  
13 the Ascher homicide case?

14 MS. LEFF: Objection. Calls for a legal  
15 conclusion.

16 A. From reports that I've seen, his testimony  
17 at my first trial, his testimony backtracking during  
18 the evidentiary hearing. So I have no firsthand  
19 knowledge, only from what I've read.

20 Q. And with respect to what you've seen or read  
21 relating to Daniel Gunnell, is it fair to say that  
22 over the course of time in this case going back to  
23 your first trial in '94 and through your second  
24 trial in January 2019, that there have been a

1 difference of opinion, if you will, expert opinion  
2 with respect to the ballistics evidence in this  
3 case?

4 A. Yes.

5 Q. In other words, state police crime lab  
6 witnesses have testified one way that the Taurus  
7 9-millimeter was used to fire shell casings or  
8 bullets, and witnesses testifying on your behalf  
9 have testified contrary to that.

10 Is that a fair summary?

11 MS. LEFF: I'm just going to object that it  
12 mischaracterizes the record with respect to --

13 A. Yes.

14 MS. LEFF: -- testimony given by the state.

15 Q. Beyond the disagreement between Mr. Gunnell  
16 and the ballistics witnesses that testified on your  
17 behalf at your trials, are you aware of any evidence  
18 that Mr. Gunnell in any way fabricated or made up any  
19 evidence in relation to the Ascher homicide case?

20 MS. LEFF: Objection. Calls for a legal  
21 conclusion and for expert testimony.

22 A. He -- in my opinion, he changed his  
23 testimony. He walked it back. He changed his  
24 testimony.

1 Q. Okay. So that's what you're relying upon in  
2 making the allegation that he fabricated evidence?

3 MS. LEFF: Object. Calls for a legal  
4 conclusion and also asks for attorney mental  
5 impressions.

6 Q. You can answer, Mr. Pursley.

7 A. To the best of my knowledge.

8 Q. Okay.

9 A. To my understanding --

10 Q. All right. What evidence are you aware of,  
11 Mr. Pursley, that Peter Striupaitis from the state  
12 police crime lab fabricated or made up any evidence  
13 in relation to the Ascher case?

14 MS. LEFF: Objection. Calls for a legal  
15 conclusion and for expert testimony.

16 A. I'm unsure. I don't know.

17 Q. And then, lastly, what evidence are you  
18 aware of that Jack Welty from the state police crime  
19 lab fabricated or made up any evidence in relation  
20 to the Ascher case?

21 MS. LEFF: Objection. Calls for a legal  
22 conclusion and for expert testimony.

23 A. I'm also unsure on that.

24 Q. One of the other pieces of evidence that you

1 indicated you believe was fabricated in this case  
2 were what you referred to as coerced confessions.

3 Did I recall that correctly?

4 A. Yes, sir.

5 Q. Whose confession, if you will, are you  
6 contending was coerced?

7 MS. LEFF: I'm going to object. Calls for a  
8 legal conclusion. I'll object on the basis of  
9 foundation.

10 You can answer to the best of your  
11 knowledge, Patrick.

12 A. Samantha Crabtree.

13 Q. And what is the basis of your knowledge to  
14 make that contention?

15 MS. LEFF: Object to form.

16 A. From what I read and what I was told.

17 Q. What you were told by whom?

18 MS. LEFF: Patrick, I want to caution you  
19 not to share any information that was relayed to you  
20 during conversations with your counsel. Okay?

21 Q. And I'm not asking about any of those. I  
22 don't want you to say anything about what you and  
23 your lawyers have ever talked about.

24 So my question -- this question is limited

1 to what conversations you have had with anybody  
2 other than your lawyers with respect to Samantha  
3 Crabtree's coerced confession, as you've  
4 characterized it.

5 A. Samantha Crabtree.

6 Q. When did you have those conversations?

7 A. Via letter and phone calls. Perhaps also on  
8 visits. What happened in court, evidence presented  
9 by the defense and evidence by the State.

10 Q. Okay. And just so I understand it, when you  
11 refer to letters, phone calls, perhaps visits, are  
12 you going back to the 1993-1994 time frame?

13 A. Yes, sir.

14 Q. Do you recall the last conversation you had  
15 with Samantha Crabtree that in any way related to  
16 her written statement or her confession, as you've  
17 characterized it, being coerced in any way?

18 A. No, not -- no, not exactly.

19 Q. Did you have conversations with anybody  
20 else -- again, putting your lawyers aside -- other  
21 than Samantha Crabtree regarding her written  
22 statement or grand jury testimony being coerced in  
23 any way?

24 A. I'm sure I did.

1           Q. Let me ask the question a little  
2 differently.

3           Did you have any conversations with anybody,  
4 other than Samantha Crabtree, who was present at the  
5 time she gave her written statement or grand jury  
6 testimony regarding the nature of that statement or  
7 testimony?

8           A. Not that I recall.

9           Q. The other category, if I recall correctly,  
10 that you listed regarding evidence that you believe  
11 was fabricated in this case was crime scene evidence  
12 that you believe was disregarded.

13           Did I recall that correctly?

14           A. Yes, sir.

15           Q. What do you mean by that?

16           A. I mean that every single aspect of the  
17 state's case, in my opinion, my understanding of the  
18 record, was contradicted by the actual events that  
19 took place when Andrew Ascher was killed.

20           Q. Okay. Sticking specifically with the crime  
21 scene evidence that you contend was disregarded,  
22 what I'm interested in knowing is what specific  
23 crime scene evidence you're contending Rockford  
24 police disregarded.

1 MS. LEFF: I'm going to object that it calls  
2 for a legal conclusion and also expert testimony.

3 You can answer to the best of your  
4 understanding.

5 A. Clothing, direction of travel, footwear,  
6 occurrence witness testimony, ballistics, lack of --  
7 lack of evidence as far as my clothing was tested  
8 for blood. I believe -- and disregarding the  
9 ballistics as well, ballistic evidence that showed  
10 contrary.

11 Q. Okay. With respect to the occurrence  
12 witness that you've referenced, who in particular  
13 are you referring to?

14 A. David Bodell, as well as -- I believe her  
15 name was Becky George.

16 Q. Let's start with David Bodell.

17 Do you have any understanding that David  
18 Bodell at any time has identified any particular  
19 person as a suspect or the suspect for the Ascher  
20 murder?

21 A. No.

22 Q. And same question with respect to Becky  
23 George: Do you have any understanding that Becky  
24 George at any time has ever identified any



1 particular person by name as a suspect or the  
2 suspect for the Ascher murder?

3 A. No.

4 Q. Okay. Mr. Pursley, I think the complaint is  
5 still up on the screen in front of you.

6 Is it?

7 A. Yes.

8 Q. Okay. The next paragraph after the one we  
9 just talked about is paragraph 3, which reads,  
10 "Defendants concealed their fabrication of evidence  
11 from Plaintiff along with other exculpatory and  
12 impeachment evidence."

13 Did I read that correctly?

14 A. Yes, sir.

15 Q. Now, the word defendants, plural, there  
16 encompasses everybody that's listed in the  
17 complaint.

18 Who are you contending in particular  
19 concealed their fabrication of evidence from you?

20 MS. LEFF: Objection. Calls for a legal  
21 conclusion.

22 A. The defendants. I wasn't there, so I don't  
23 know exactly.

24 Q. Let me ask the question a little

1 differently.

2 As you sit there right now, are you aware of  
3 any particular defendant who concealed his or her  
4 fabrication of any particular piece of evidence from  
5 you or your lawyers in this case?

6 MS. LEFF: Objection. Calls for a legal  
7 conclusion.

8 A. I don't know. I don't know.

9 Q. Mr. Pursley, we've been going about an hour  
10 and 15 minutes or so. How are you doing? Do you  
11 need a break or anything?

12 A. I can go a little bit longer.

13 Q. All right. I know you mentioned you've got  
14 some back issues. So I don't know if sitting for  
15 long periods of time exacerbates that, but let me  
16 know if it does.

17 Okay?

18 A. Yes, sir.

19 Q. In June of 1993, Mr. Pursley, did Samantha  
20 Crabtree own a Taurus 9-millimeter handgun?

21 A. Yes.

22 Q. Were you with her when she purchased that  
23 handgun?

24 A. No.

1 Q. Do you know when she purchased that handgun?

2 A. I remember she purchased the handgun after  
3 she got robbed at knifepoint on our doorstep. She  
4 was a manager at Burger King. I don't remember what  
5 month.

6 Q. Do you recall her bringing it home?

7 A. No.

8 Q. Did you ever handle that handgun?

9 A. I'd like to assert my Fifth Amendment right  
10 to be free from self-incrimination at this time.

11 Q. In June of 1993, you were a convicted felon  
12 at that time; is that true?

13 A. Yes.

14 Q. So it would have been illegal for you to  
15 possess a handgun as a convicted felon at that time?

16 MS. LEFF: Object to the extent it calls for  
17 a legal conclusion.

18 A. Yes. Yes.

19 Q. Do you recall suggesting to Samantha  
20 Crabtree after you were charged with the Ascher  
21 murder that perhaps Marvin Windham could have used  
22 that Taurus 9-millimeter to commit the murder?

23 A. I wouldn't characterize it as I suggested,  
24 like I suggested he did.

1 Q. Do you recall raising that as a possibility?

2 A. It's a distinct question in my mind.

3 Q. Why do you say that?

4 A. As I sit here now or then?

5 Q. Let's go back to then. I want to understand  
6 your mindset back in 1993 after you were charged  
7 with the Ascher murder.

8 A. I knew I hadn't done it. I knew I hadn't  
9 done it.

10 Q. Well, do you recall raising the possibility  
11 that Marvin Windham had used Samantha's Taurus  
12 9-millimeter to kill Andrew Ascher?

13 A. I'm -- I don't recall exactly. I may have  
14 inquired. I may have asked. But to suggest, I  
15 don't recall that.

16 Q. Did you have some concern at that time,  
17 after you had been charged with the Ascher murder,  
18 that the Taurus 9-millimeter had, in fact, been used  
19 to kill Andrew Ascher?

20 A. Yes.

21 Q. Why is that?

22 A. Because of the events that were transpiring.

23 Q. Well, did Marvin Windham have access to that  
24 Taurus 9-millimeter owned by Samantha Crabtree?

1 MS. LEFF: Object to foundation.

2 A. I would -- I would say yes, but I don't  
3 know. Like I did not see that. I would say yes, he  
4 had access.

5 Q. All right. Let me break that down a little  
6 bit.

7 Did you ever see Marvin Windham handle that  
8 Taurus 9-millimeter that Samantha owned?

9 A. No.

10 Q. Did you and Marvin ever have any discussions  
11 about the Taurus 9-millimeter that Samantha owned?

12 A. Not that I can recall.

13 Q. So why do you, as you sit there today, say  
14 that you believe it was a distinct possibility that  
15 Marvin used the Taurus 9-millimeter that Samantha  
16 owned to kill Andrew Ascher?

17 MS. LEFF: Objection. Mischaracterizes  
18 testimony.

19 A. After I got locked up and information was  
20 provided to me, I came to learn that Marvin may have  
21 been in my house, my apartment, on previous  
22 occasions without me knowing or being there.

23 Q. How did you learn that information?

24 A. Well, one is protected by attorney-client.

1 Q. I'm not asking you what you talked to your  
2 attorneys about now or then.

3 But when you say that, I want to understand,  
4 are you referring to the attorneys that represented  
5 you back in 1993 and 1994?

6 A. Yes.

7 Q. Okay. Did you ever have any conversations  
8 with Samantha Crabtree about Marvin Windham being in  
9 your apartment without you being there?

10 A. I'm sure -- I'm sure I did.

11 Q. Do you recall any of those conversations in  
12 particular?

13 A. Not -- not in particular.

14 Q. Mr. Pursley, as you sit there right now, do  
15 you know --

16 A. I --

17 Q. I'm sorry.

18 Go ahead.

19 A. I mean, I'm sure I brought it to her. I  
20 just don't remember the whens, the whats, the  
21 wheres, the hows.

22 Q. Mr. Pursley, as you sit there today, do you  
23 know who killed Andrew Ascher on April 2, 1993?

24 A. No.

1 Q. I'm going to scroll down in the complaint a  
2 little bit to paragraph 38.

3 Do you see that in front of you?

4 It says, "Attracted by the cash reward, on  
5 June 8, 1993, a man called Crime Stoppers and made a  
6 false report. The man claimed that he had visited  
7 Plaintiff the day after the murder and that  
8 Plaintiff had confessed to killing Ascher in the  
9 course of attempting to rob him."

10 Did I read that accurately, Mr. Pursley?

11 A. Yes, sir.

12 Q. Thank you.

13 Can we agree the man being referred to in  
14 that paragraph is Marvin Windham?

15 A. Yes, sir.

16 Q. Do you recall having been visited by Marvin  
17 Windham in the days following April 2, 1993?

18 A. I do not.

19 Q. Understanding that you've testified that you  
20 did not kill Andrew Ascher, do you recall in early  
21 April 1993 learning about the Ascher murder in  
22 Rockford?

23 A. No.

24 Q. When do you recall first learning about that

1 murder having taken place?

2 A. I believe when I was wanted.

3 Q. Okay. When you say when you were wanted,  
4 does that mean before you were actually arrested?

5 A. It was the time after I fled, so it was --  
6 I'm unsure whether it was through the media prior to  
7 my arrest, in that span after the 10th. That's what  
8 I kind of believe, but I know definitively,  
9 obviously, once I was arrested.

10 Q. Okay. So, perhaps, sometime between  
11 June 10th and June 16, 1993?

12 A. Yes.

13 Q. And in that time frame, those six days, did  
14 you come to understand that the police were looking  
15 for you in relation to the Ascher homicide  
16 investigation?

17 A. I believe so, yes.

18 Q. Do you recall how you learned that  
19 information?

20 A. I believe also through media reports.

21 Q. At any time between June 10th and  
22 June 16, 1993, did you go to the Rockford police  
23 department and tell them, "Hey, I understand you  
24 guys want to talk to me"?



1 A. No.

2 Q. Why not?

3 MS. LEFF: Objection. Asked and answered.

4 A. It's -- it's not common practice where I  
5 come from.

6 Q. When did you understand or first understand  
7 that you had been charged with the Andrew Ascher  
8 homicide?

9 A. Upon my arrest.

10 Q. And that was on June 16, 1993, as we've  
11 established?

12 A. Yes, sir.

13 Q. And would it be fair to say that you hid  
14 from the Rockford police officers on Underwood  
15 Street in Rockford that day?

16 A. Yes.

17 Q. Why did you do that?

18 A. Fear.

19 Q. Fear of what?

20 A. Going to jail for something I didn't do,  
21 fear of being hurt by the police.

22 Q. At your trial in April of 1994, you  
23 presented an alibi defense, some alibi witnesses who  
24 indicated you were home the evening of

1 April 2, 1993.

2 Is that accurate?

3 A. Yes.

4 Q. Why didn't you tell the police about that  
5 alibi and those alibi witnesses on June 16, 1993?

6 MS. LEFF: Objection.

7 A. When I was arrested, I asked for my  
8 attorney.

9 MS. LEFF: Objection. Assumes facts not in  
10 evidence.

11 You can answer.

12 Q. I'm sorry. I didn't hear your answer.

13 A. Because I asked for my attorney. I asked  
14 for an attorney.

15 Q. Didn't you think it was important to tell  
16 the police about witnesses who could clear your name  
17 right away?

18 MS. LEFF: Objection. Argumentative.

19 A. I requested my attorney.

20 Q. Do you recall the first time that  
21 information about those alibi witnesses was  
22 disclosed to the police or to the prosecution?

23 MS. LEFF: Objection. Lack of foundation.

24 A. I do not.

1 Q. In that April 1993 time frame, Mr. Pursley,  
2 were you collecting unemployment?

3 A. I was attempting to, I believe.

4 Q. Had you lost your job at Burger King?

5 A. I had.

6 Q. Can you tell me what the circumstances were  
7 which led to you losing your job at Burger King?

8 A. I don't remember.

9 Q. Was there some sort of disagreement or  
10 argument with the owner of the Burger King, a man  
11 named Craig Opine?

12 A. I don't remember that.

13 Q. Do you recall ever having an argument with  
14 Mr. Opine, threatening Mr. Opine in any way?

15 MS. LEFF: Objection. Asked and answered.

16 A. I don't remember.

17 I don't remember who Mr. Opine is.

18 Q. Okay. Do you remember the owner of the  
19 Burger King that you worked at at Auburn and  
20 Kilbourn?

21 A. No.

22 Q. Do you recall ever having a dispute with  
23 anybody who worked at the unemployment office about  
24 your unemployment benefits?

1 A. No.

2 Q. Meaning that didn't happen, or you just  
3 don't remember?

4 A. I was subsequently approved for my  
5 unemployment. I just had been -- I got locked up,  
6 but -- so, no, there's no -- there's no dispute.  
7 There's no argument. There's no threats against  
8 unemployment.

9 Q. Was Samantha Crabtree still employed in  
10 April 1993?

11 A. I believe so. I'm not sure, but yes, I  
12 believe so.

13 Q. Mr. Pursley, prior to your arrest on  
14 June 16, 1993, do you recall having ever met  
15 Detective Howard Forrester before that?

16 A. Yes.

17 Q. And to the best of your knowledge, when was  
18 it that you first met Detective Forrester?

19 A. I believe -- early 80's, I believe, and late  
20 80s. Early 80's and late 80's.

21 Q. And what were the circumstances of your  
22 encounters with Mr. Forrester?

23 A. I believe I was sent to prison on a  
24 residential burglary. I believe -- I believe he,

1 again, later questioned me about some cases that I  
2 didn't do and threatened to -- threatened to lock me  
3 up.

4 Q. When was that?

5 A. I believe late 80's. I don't have an exact  
6 day.

7 Q. Do you recall the particular cases that you  
8 were being questioned about at that time?

9 A. I think someone had used a card or something  
10 from either a burglary or a robbery. I'm not sure.  
11 But he basically -- he accused me of -- he accused  
12 me of crimes. I told him I didn't do them, and  
13 that's -- that's the extent of -- I was being  
14 interrogated. I was being interrogated in the  
15 public safety building.

16 Q. This was sometime in the late 1980's?

17 A. Yes. It was -- he kind of got me there on a  
18 ruse regarding something that happened with an  
19 acquaintance and a female. And I'm pretty sure he  
20 left a card at the apartment and asked me to come  
21 down. And when I went, he tried to just put a whole  
22 bunch of other stuff into the mix -- or on me,  
23 however you want to say it.

24 Q. Were you charged with any crime at that time

1 in relation to those incidents?

2 A. The first time, I was sent to prison for a  
3 residential burglary.

4 Q. Let me stop you there.

5 Did you do that crime? Did you commit that  
6 residential burglary?

7 A. I did.

8 Q. Okay. And then the second time in the late  
9 80's, were you charged with anything in relation to  
10 what Detective Forrester was investigating at that  
11 time?

12 A. No. No. Not that exchange, no.

13 Q. Okay. Between that time in the late 1980's  
14 and your arrest on June 16, 1993, do you recall any  
15 other encounters with Detective Forrester?

16 A. No.

17 MS. LEFF: When you get to a good spot, I'd  
18 like to go off the record for a short break.

19 MR. IASPARRO: Sure. Now is as good a time  
20 as any.

21 (A short break was had.)

22 BY MR. IASPARRO:

23 Q. Mr. Pursley, did you know in May of 1993  
24 that Samantha Crabtree purchased a Beretta

1 9-millimeter firearm?

2 A. Yes.

3 Q. And do you know where she purchased that  
4 firearm?

5 A. Not exactly.

6 Q. Were you with her when she purchased it?

7 A. No.

8 Q. Do you recall having a conversation with her  
9 about why she wanted to purchase that firearm?

10 A. No.

11 Q. What kind of car did Samantha Crabtree own  
12 in April of 1993?

13 A. A Chevy Celebrity, I believe.

14 Q. Do you recall what color it was?

15 A. Brown.

16 Q. At some point in May of 1993, did you or  
17 Ms. Crabtree purchase a black Honda?

18 A. I did not purchase a black Honda. She did  
19 not purchase --

20 Q. Do you recall there being a black Honda  
21 being parked at your apartment building in June of  
22 1993?

23 A. Yes.

24 Q. Whose car was that?

1 MS. LEFF: Objection. Lack of foundation.

2 A. It was mine.

3 Q. It was your car?

4 A. Yes.

5 Q. And where did that car come from?

6 A. I believe one of the suburbs. One of the  
7 south suburbs. I'm not sure.

8 Q. Did you purchase that car?

9 A. It was purchased for me.

10 Q. By whom?

11 A. A childhood friend.

12 Q. What was that childhood friend's name?

13 A. Tommy.

14 Q. Does Tommy have a last name?

15 A. Span.

16 Q. And what was the source of the funds that  
17 were used to pay for that car?

18 MS. LEFF: Object to foundation.

19 A. At this time -- at this time, I would like  
20 to assert my Fifth Amendment right to be free from  
21 self-incrimination.

22 Q. Was the source of the funds bank robbery  
23 proceeds from the robbery of the First Bank North in  
24 Rockford on May 12, 1993, Mr. Pursley?



1           A. At this time, I would like to assert my  
2 Fifth Amendment right to be free from  
3 self-incrimination.

4           Q. Mr. Pursley, do you understand that Samantha  
5 Crabtree pled guilty to robbing the First Bank North  
6 on Harrison Avenue in Rockford on May 12, 1993?

7           A. Yes.

8           Q. And that in doing so, in pleading guilty,  
9 she admitted in open court that she committed that  
10 robbery with you.

11           Do you understand that?

12           A. That is what I read, yes.

13           Q. Did you commit that robbery with  
14 Ms. Crabtree?

15           MS. LEFF: Objection. Asked and answered.

16           A. Once again, I would like to assert my Fifth  
17 Amendment right to be free from self-incrimination.

18           Q. Mr. Pursley, did you go in to the First Bank  
19 North on Harrison Avenue on May 12, 1993 and rob  
20 that bank?

21           A. I would like to assert my Fifth Amendment  
22 right to be free from self-incrimination.

23           (Exhibit 2 was marked for identification  
24 and is attached to the transcript.)

1 Q. Do you see the photos on the screen there,  
2 Mr. Pursley?

3 A. Yes, sir.

4 Q. For the record, these are marked RFD Defense  
5 7563 through 7567, a series of five photographs.

6 I'll scroll through them, Mr. Pursley.

7 Would you agree these appear to be photos  
8 taken from a bank surveillance system, and they  
9 appear to be dated May 12, 1993?

10 A. Yes.

11 Q. Is that you depicted in the photographs  
12 robbing the bank, Mr. Pursley?

13 A. Once again, I'd like to assert my right to  
14 be free from self-incrimination under the Fifth  
15 Amendment.

16 Q. Back in April 1993, Mr. Pursley, what type  
17 of clothing did you typically wear on a daily basis?

18 A. Jeans, hoodies, boots.

19 Q. And when you say boots, any particular type  
20 of boot more specifically?

21 A. Combat boots.

22 Q. Black combat boots?

23 A. Yes, sir.

24 Q. Did you own a police scanner in that time

1 frame?

2 A. I believe so, yes.

3 Q. Why did you own a police scanner?

4 A. To hear what was going on.

5 Q. To hear what was going on in the  
6 neighborhood?

7 A. In the city.

8 Q. Did you own a black backpack during that  
9 April through June 1993 time frame?

10 A. I believe so, yes.

11 Q. Mr. Pursley, are you aware of the fact that  
12 there was a briefcase recovered from your apartment  
13 on Ashland Avenue on June 10, 1993 which belonged to  
14 a man whose car was stolen and used during the First  
15 Bank North robbery on May 12, 1993?

16 A. I read that in a police report, yes.

17 Q. How do you explain that?

18 A. I'm sorry?

19 How do I explain how it's recovered?

20 Q. Well, how do you explain that a briefcase  
21 that belonged to a man that was stolen and used  
22 during the First Bank North robbery was located in  
23 your apartment on June 10, 1993?

24 A. I would like to assert my Fifth Amendment

1 right to be free from self-incrimination at this  
2 time.

3 Q. Mr. Pursley, was Samantha Crabtree telling  
4 the truth when she told the Winnebago County Circuit  
5 Court that she committed the First Bank North  
6 robbery with you on May 12, 1993?

7 MS. LEFF: Objection. Asked and answered.

8 A. I would like to assert my Fifth Amendment  
9 right to remain free from self-incrimination at this  
10 time.

11 Q. During the spring of 1993, Mr. Pursley, were  
12 you using any illegal drugs?

13 A. I would like to assert my Fifth Amendment  
14 right to be free from self-incrimination at this  
15 time.

16 Q. Did you smoke crack cocaine during that time  
17 frame?

18 A. I would like to assert my Fifth Amendment  
19 right to be free from self-incrimination at this  
20 time.

21 Q. Mr. Pursley, did you commit a robbery at the  
22 Burger King on Riverside Boulevard in Rockford on  
23 April 15, 1993?

24 A. I did not.

1           Q. You understand that Samantha Crabtree  
2 provided information to the police that you  
3 committed that robbery?

4           A. That is what I read, yes, sir.

5           Q. Can you think of any reason why she would  
6 make that up?

7           MS. LEFF: Object to foundation.

8           A. I can only assume.

9           Q. Well, I don't want you to assume.

10          Do you know why she would say that?

11          MS. LEFF: Object to foundation. Calls for  
12 speculation.

13          A. No.

14          Q. On June 10, 1993, did you learn -- after you  
15 ran from the car that day on Evergreen Avenue, did  
16 you learn later that day that the police were  
17 searching your apartment at 901 Ashland?

18          A. Did I learn later that day?

19          Q. Yes.

20          A. No.

21          Q. Did you go back to your apartment at 901  
22 Ashland that day?

23          A. I believe so. I'm unsure. I'm uncertain.

24          Q. Do you have any recollection, as you sit

1       there now, of going back there and thinking to  
2       yourself, "Well, somebody's been here and has gone  
3       through our things"?

4             A. No.

5             Q. All right. As you sit there today,  
6       Mr. Pursley, do you have any reason to dispute that  
7       Rockford police detectives recovered the Taurus  
8       9-millimeter firearm which Samantha Crabtree owned  
9       from your apartment on June 10, 1993?

10            MS. LEFF: Object for foundation.

11            You can answer, to the best of your ability.

12            A. I mean, I know they said a gun was taken or  
13       two guns were taken.

14            Q. Okay. You weren't there during the search;  
15       right?

16            A. No, sir.

17            Q. And did you return to 901 Ashland at any  
18       time between June 10th and June 16, 1993?

19            A. I believe so.

20            Q. Do you recall seeing -- ever seeing the  
21       Taurus 9-millimeter handgun that Samantha Crabtree  
22       owned at any time during that time frame between  
23       June 10th and June 16, 1993?

24            A. No.

1 Q. Do you have any basis to claim that any  
2 Rockford police detective or officer planted any  
3 evidence or fabricated any evidence in relation to  
4 the search of your apartment on June 10, 1993?

5 MS. LEFF: Object to foundation. Calls for  
6 a legal conclusion. Calls for expert testimony.  
7 You can answer to the best of your ability.

8 A. I don't know.

9 Q. Did you know, Mr. Pursley, on June 10, 1993,  
10 that there was a warrant for your arrest for  
11 aggravated assault with a firearm in relation to an  
12 incident at 609 Woodlawn in Rockford on  
13 June 8, 1993?

14 A. Did I know that there was a warrant?

15 Q. Right.

16 A. No, sir.

17 Q. When did you first become aware that there  
18 was a warrant for your arrest for that incident on  
19 Woodlawn?

20 A. Upon my arrest.

21 Q. Did you know a man named Robert Poe on  
22 June 8, 1993?

23 A. I'm going to have to assert my Fifth  
24 Amendment right to be free from self-incrimination

1 at this time.

2 Q. Did you know a man named Thomas McCoy, who  
3 also went by the nickname Tramp, on June 8, 1993?

4 A. Once again, I'm going to assert my Fifth  
5 Amendment right to be free from self-incrimination  
6 at this time.

7 Q. And are you aware of the fact that Robert  
8 Poe picked you out of a photo lineup on  
9 June 9, 1993, and identified you as the man who  
10 threatened him with two handguns and shot out his  
11 television the day before on Woodlawn?

12 A. Could you repeat the question, please?

13 Q. Sure.

14 Are you aware of the fact that Robert Poe  
15 picked you out of a photo lineup on June 9, 1993,  
16 and identified you as the man who threatened him  
17 with two handguns and shot out his television on  
18 Woodlawn Avenue in Rockford the day before?

19 A. Was I aware that he did that on the 9th?

20 Q. Yes.

21 A. Is that the question?

22 Q. That's the question.

23 A. No, I was not. I was not aware.

24 Q. Did you do that, Mr. Pursley?



1 Did you threaten Mr. Poe with two handguns  
2 and shoot out his television on Woodlawn Avenue on  
3 June 8, 1993?

4 MS. LEFF: I'm going to object --

5 A. Once again, I'm going to have to assert my  
6 Fifth Amendment right to remain silent, to be free  
7 of self-incrimination at this time under the Fifth  
8 Amendment.

9 Q. You admitted that to Samantha Crabtree in  
10 one of the letters that you wrote to her, didn't  
11 you?

12 A. I do not recall.

13 Q. As you sit there today, do you have any  
14 knowledge of the information that any Rockford  
15 police officer provided to the judge who issued the  
16 warrant for your arrest for the Ascher murder?

17 MS. LEFF: Object to form. Vague.

18 A. I don't quite get that question, sir.

19 Q. Okay. You understood when you were arrested  
20 on June 16, 1993, that you were being arrested  
21 pursuant to a warrant that had been issued for you  
22 for the Ascher murder; correct?

23 A. Yes.

24 Q. Okay. In issuing that warrant, you

1 understood it was issued by a judge?

2 A. Yes, sir.

3 Q. Okay. My question is, do you have any  
4 knowledge of what information, if any, the Rockford  
5 police detectives who secured that arrest warrant  
6 provided to the judge before the warrant was issued?

7 A. Only what I read. I don't have independent  
8 recollection, no.

9 Q. Okay. And would you agree, Mr. Pursley,  
10 that at the time of your arrest on June 16, 1993,  
11 that Rockford police detectives had spoken to and  
12 gotten a written statement from Samantha Crabtree  
13 which implicated you in the Ascher murder?

14 MS. LEFF: Object to form. Lack of  
15 foundation. Calls for a legal conclusion.

16 You can answer to the best of your ability.

17 A. If possible, could you repeat the question?  
18 It's a bit convoluted.

19 Q. Sure.

20 So my question is, would you agree that as  
21 of the time of your arrest on June 16, 1993,  
22 Samantha Crabtree had provided a written statement  
23 to police which implicated you in the Ascher murder?

24 A. Yes.

1 Q. And would you agree that as of that date,  
2 June 16, 1993, Marvin Windham had also provided a  
3 written statement to police implicating you in the  
4 murder of Andrew Ascher?

5 MS. LEFF: I'm going to object to form and  
6 vagueness, just as to whether you're asking about  
7 his awareness at the time of his arrest or whether  
8 he's aware now.

9 You can answer.

10 Q. Let me ask the question again, just so it's  
11 clear.

12 Sorry. Sometimes my lights go off  
13 automatically if I don't move around enough. I  
14 apologize.

15 My question, Mr. Pursley, is: Would you  
16 agree that as of the time of your arrest on  
17 June 16, 1993, Marvin Windham had provided a written  
18 statement to Rockford police detectives which  
19 implicated you in the murder of Andrew Ascher?

20 MS. LEFF: Same objection as to vagueness in  
21 terms of what he had knowledge of.

22 A. I'm not sure if I learned it -- I'm not sure  
23 if I learned it through the police reports or if the  
24 detectives who questioned me actually told me that.

1           Q. Okay. And I'm not asking -- my question is  
2 a little different.

3           I'm not asking when you learned it or how  
4 you learned it. I'm asking you, based on what you  
5 know now, understanding that we all have the benefit  
6 of hindsight -- and you know this record better than  
7 anybody, I'm sure.

8           But would you agree as you sit there now  
9 that as of the time of your arrest on June 16, 1993,  
10 that Marvin Windham had provided a written statement  
11 to the police implicating you in the Ascher murder?

12          A. Yes, sir.

13          Q. Okay. And would you agree that as of the  
14 date of your arrest on June 16, 1993, the Rockford  
15 police had already executed that search warrant at  
16 901 Ashland?

17          MS. LEFF: Object to foundation.

18          A. In hindsight?

19          Q. Right.

20          A. Yes. From reading the police reports, yes,  
21 sir.

22          Q. Okay. And during that search warrant, they  
23 recovered a Taurus 9-millimeter handgun, a pair of  
24 black Jeans, a hooded sweatshirt, and a police

1 scanner; correct?

2 MS. LEFF: Object to foundation.

3 A. According to -- according to the documents I  
4 read, yes, sir.

5 Q. All right. Are you contending, Mr. Pursley,  
6 that on June 16, 1993, that there was not probable  
7 cause to arrest you?

8 MS. LEFF: Objection. Calls for a legal  
9 conclusion.

10 You can answer, if you understand the  
11 question.

12 A. I don't know. I don't know.

13 Q. And at the time of your arrest on  
14 June 16, 1993, you were wearing black combat boots;  
15 is that correct?

16 A. I believe so. Yes, sir.

17 Q. You were taken down to the Rockford police  
18 department detective bureau that day, and I think  
19 Detectives Forrester and Hanson put you in an  
20 interview room; is that accurate?

21 A. Yes, sir. I believe so.

22 Q. And do you recall those detectives advising  
23 you of your Miranda rights that day?

24 A. Not verbatim, but I believe that there's a

1 Miranda -- there's a Miranda page that I've seen in  
2 my police reports.

3 Q. Okay. And you didn't have any interest in  
4 talking to them that day about the Ascher homicide,  
5 did you?

6 MS. LEFF: Object to form.

7 A. I requested my attorney.

8 Q. Okay. How would you describe your demeanor  
9 that day, Mr. Pursley?

10 MS. LEFF: Object to form. Vague as to time  
11 frame.

12 Q. After the time of his arrest.

13 In the detective bureau, how would you  
14 describe your demeanor?

15 A. Fearful.

16 Q. What were you fearful of?

17 A. Facing the death penalty for a crime I  
18 didn't do. Fearful of incarceration. Fearful of  
19 losing my life.

20 Q. Did you know what the evidence was --

21 A. That's just in retrospect.

22 Q. Okay. Did you know what the evidence was  
23 against you at that time when you were in the  
24 detective bureau, understanding you had been charged

1 with the Ascher murder? Did you know what the  
2 evidence was against you?

3 MS. LEFF: Object to form. Assumes facts  
4 not in evidence.

5 A. I'm -- I'm unsure. I'm unsure. I don't  
6 know what the totality is. I don't know what I knew  
7 exactly then.

8 Q. Had you seen or spoken to Samantha Crabtree  
9 between June 10th and June 16, 1993?

10 MS. LEFF: Objection. Asked and answered.

11 A. No.

12 Q. Upon your arrest on June 16, 1939, and  
13 understanding that you had been charged with the  
14 Ascher murder, did you have some concern that  
15 Samantha Crabtree had provided information to the  
16 police implicating you in that murder?

17 A. What time frame, sir?

18 Q. Right upon your arrest. When you learned  
19 you were charged -- you were arrested for and had  
20 been charged with the Ascher murder, did you have  
21 some concern that Samantha Crabtree had provided  
22 information to the police implicating you in that  
23 murder?

24 A. I believe as I was told -- you know, I

1 believe that, you know, I was told. So it's  
2 possible -- you know, that's probably a yes. I  
3 can't be exact.

4 Q. You've already testified about some letters  
5 that were sent back and forth. I think that you  
6 sent some letters to Samantha Crabtree while the two  
7 of you were locked up at the same time at the  
8 Winnebago County Jail back in 1993.

9 Is that true?

10 A. Yes. We had to ask permission to do so.

11 Q. All right. Is there a handwritten document  
12 that's popped up on your screen there, Mr. Pursley?

13 A. Yes, sir.

14 Q. And, for the record, this is -- these are --  
15 this documents is Bates numbered Pursley 012080  
16 through 012088. And, I guess, I don't know that  
17 I've identified anything yet for purposes of the  
18 record, but this would be the third document we've  
19 utilized today. The first one being the second  
20 amended complaint, which will be Exhibit 1 to  
21 today's deposition, the second one being those bank  
22 surveillance photos, and this will be Exhibit 3.

23 (Exhibit 3 was marked for identification  
24 and is attached to the transcript.)



1 Q. Mr. Pursley, is this your handwriting in  
2 this document?

3 A. Yes, sir. It appears so.

4 Q. Okay. And did you write this letter to  
5 Samantha Crabtree?

6 A. I do not remember writing it, but I would  
7 not say that I did not write it either.

8 Q. Okay. And I'm going to scroll down to the  
9 last page, which appears to be a copy of an  
10 envelope.

11 Would you agree with that?

12 It looks like it's the front page of an  
13 envelope addressed to Samantha Crabtree.

14 A. Yes, it does. Yes, sir.

15 Q. Okay. And at the return address, upper  
16 left-hand corner there, it says Patrick Pursley, 420  
17 West State.

18 Is that your handwriting?

19 A. Yes, sir.

20 Q. Okay. 420 West State, for the record, was  
21 the address of the Winnebago County Jail at the  
22 time; correct?

23 A. Yes, sir.

24 Q. All right. And there's a date stamp here.

1           Do you see that on this envelope,  
2           June 18, 1993?

3           A. Yes, sir.

4           Q. And that was -- that would have been two  
5           days after your arrest for the Ascher murder;  
6           correct?

7           A. I believe so, yes, sir.

8           Q. All right. Do you recall at that time, two  
9           days after your arrest, if you had been provided  
10          with copies of any police reports or witness  
11          statements as part of the discovery in the criminal  
12          case?

13          A. I do not recall.

14          Q. Meaning you just don't know one way or the  
15          other?

16          A. Exactly, yes.

17          Q. Did you have any information as of  
18          June 18, 1993, that the detectives who had spoken to  
19          Samantha Crabtree on June 10th had threatened or  
20          coerced her in any way?

21          A. As I sit here, I don't know.

22          Q. All right. I'm going to direct your  
23          attention to the page which is Bates numbered  
24          Pursley 12082.

1 Well, that's not going to work well. I  
2 don't know if you can see my cursor there, but it  
3 says -- starting on, "Because of a tip from Marvin,  
4 the crime stopper, the jealous fella who couldn't  
5 prove shit stank if it was packed in his nostrils  
6 with a jackhammer. Think about it. We did cut him  
7 off from the supply of drugs, money, and stamps.  
8 Not only that, maybe he was in on the Ascher murder.  
9 We did let him use the gun twice. I can't remember  
10 when it was exactly, but how else could they say  
11 that one of those gats was used on Ascher?"

12 Did I read that correctly, Mr. Pursley?

13 A. Yes.

14 Q. So would it be fair to say that as of that  
15 date, June 18, 1993, that you had some concern that  
16 the Taurus 9-millimeter, or one of the guns that  
17 Samantha owned, had been used in the Ascher murder?

18 A. From the context of the letter, yes.

19 Q. Okay. And as of the date of the Ascher  
20 murder, April 2, 1993, would you agree that the only  
21 firearm that Samantha owned at that time was the  
22 Taurus 9-millimeter?

23 MS. LEFF: Object to foundation.

24 A. To the best of my knowledge.

1 Q. Okay.

2 A. To the best of my knowledge, yes.

3 Q. All right.

4 Mr. Pursley, did Samantha Crabtree have a  
5 problem telling the truth back in 1993?

6 MS. LEFF: Object to foundation. Object to  
7 form.

8 You can answer if you understand the  
9 question.

10 A. I mean, if she said I did a murder, then  
11 yes, she had an absolute problem telling the truth  
12 in 1993.

13 Q. Okay. Before that, can you recall any  
14 examples of a time or times when you knew that  
15 Samantha Crabtree had lied to you?

16 A. Yes. Yes.

17 Q. Okay. Could you tell us?

18 MS. LEFF: Object to form.

19 A. Yep. Things I learned after the fact,  
20 people in my house, her possibly with others,  
21 whereabouts.

22 Q. Did Samantha Crabtree have any reason to get  
23 back at you for anything in June of 1993?

24 MS. LEFF: Object to form. Foundation.

1           A. I don't know. I don't think so.

2           Q. In other words, had you done anything to her  
3 that would have upset her, caused her to tell the  
4 police that you committed a murder that you really  
5 didn't commit?

6           A. I don't believe so.

7           Q. I'm going to scroll down to the page which  
8 is marked Pursley 12086.

9           A. For the record, as far as the date that this  
10 letter was written, is there a date on the letter  
11 itself? I know you showed me an envelope, but is  
12 there a date on the letter itself?

13          Q. And that's a fair question.

14                I have not seen one. I can represent to  
15 you, I have not seen one handwritten or otherwise.  
16 The only date I've seen referenced with respect to  
17 this letter is that postmark --

18          A. All right.

19          Q. -- which is the way it was produced to us.

20                So at the top of the page that is currently  
21 in front of you, Mr. Pursley, I'll try to read this  
22 accurately. It says, "I fucked up on Woodlawn.  
23 That was the biggest mistake of my life."

24                Do you see that?

1 MS. LEFF: Can you identify the Bates again?  
2 It's not in the window.

3 MR. IASPARRO: Sure. It's Pursley 12086.

4 Q. And scrolling back up there, Mr. Pursley, "I  
5 fucked up on Woodlawn. That was the biggest mistake  
6 of my life."

7 Did I read that accurately?

8 A. Yes, sir.

9 Q. And were you referring to the Robert Poe  
10 incident on Woodlawn in saying that?

11 A. Once again, I'm going to have to assert my  
12 Fifth Amendment right to be free from  
13 self-incrimination at this time, sir.

14 Q. Okay. Put that one to the side for a moment  
15 and pull up another document.

16 We'll mark this as 4.

17 (Exhibit 4 was marked for identification  
18 and is attached to the transcript.)

19 Q. Bear with me a second.

20 Okay. Mr. Pursley, do you recognize this as  
21 another letter that you wrote to Samantha Crabtree?

22 A. Yes, sir.

23 Q. And this is your handwriting?

24 A. Yes, sir. I believe so.

1           Q. In the upper right-hand corner of the first  
2 page there --

3           MR. IASPARRO: And for the record, this is  
4 Bates number Pursley 12069 through 12079.

5           Q. In the upper right-hand corner, does it say,  
6 "2:00 a.m., Saturday"?

7           Is that right?

8           A. My screen is -- yes.

9           Q. Okay. And I will scroll down to the last  
10 page of this exhibit as it was produced to us.

11           Is that your handwriting in the upper  
12 left-hand corner that says Patrick Pursley?

13           A. Yes, sir.

14           Q. And would you agree that the postmark date  
15 there on the envelope is June 25, 1993?

16           A. Yes, sir.

17           Q. Okay. Move back up to the page which has  
18 the Bates number Pursley 12069, first page.

19           And starting with what's at the top of the  
20 sheet here, "The geekers are all" -- "The geekers  
21 are geeking in this mutha fucka, and I am oh so  
22 tragically faced with documenting of how I looked  
23 and acted."

24           Did I read that correctly?

1 A. I believe so.

2 Q. When you use the word geekers, Mr. Pursley,  
3 what did you mean?

4 What are geekers?

5 A. Geekers are people who -- it means a few  
6 different things. One, geekers is like if you got  
7 something, and people are all -- like all over you  
8 and think they gonna get something out of you.  
9 Geekers is also drug-related, like drug addicts.

10 Q. And when you said you were oh so tragically  
11 faced with documenting of how you looked and acted,  
12 what did you mean by that?

13 A. I can't really say. I don't remember  
14 writing -- I don't remember my -- I don't remember  
15 writing this letter, or -- I just know we exchanged  
16 communication. I know we had permission to exchange  
17 communication, and we wrote while she was in prison  
18 and while she was in county jail.

19 Q. Did Samantha Crabtree use drugs during the  
20 spring of 1993?

21 MS. LEFF: Object to foundation.

22 You can answer, if you know.

23 A. Marijuana.

24 Q. Did you ever see her use cocaine?



1 A. No.

2 Q. Scrolling down a little further on this  
3 page, Mr. Pursley, it says, "You know we are limited  
4 in communicating, but you have to explain fully what  
5 you mean about Marvin. The PD asked if you two were  
6 having an affair, only he stated it with less tact.  
7 I know this shit is foul. I know he had to play a  
8 role in the murder. Why else did he wait to report  
9 things to Crime Stoppers?"

10 Did I read that accurately?

11 A. Yes.

12 Q. Why at that time did you think that Marvin  
13 had to play a role in the murder?

14 A. Once again, I'm -- I'm -- I don't remember  
15 writing the letter. I can't say what my frame of  
16 mind was when I wrote the letter. Obviously, a lot  
17 is going on.

18 Q. As you sit there today, do you have -- oh,  
19 I'm sorry.

20 A. The best I can say is -- the best I can say  
21 is I was trying -- just trying to understand what  
22 was going on. I was trying to understand what was  
23 going on.

24 Q. And as you sit there today, do you have any

1 information as to Marvin Windham's whereabouts at  
2 the time of Andrew Ascher's murder on April 2, 1993?

3 A. I do not.

4 Q. Do you have any information as you sit there  
5 today as to Marvin Windham's involvement in the  
6 murder of Andrew Ascher?

7 A. I do not.

8 Q. Scroll down to the next page, which is  
9 Pursley 12070.

10 Actually, I'm going to go to the next page,  
11 12071. Starting with the word you at the top of the  
12 screen here, Mr. Pursley, do you agree that the  
13 letter reads, "You shouldn't have ever said a word  
14 about Patrick Anthony Pursley. Payback is one  
15 thing, but a slain pat is another."

16 Do you see that?

17 A. Yes, I see that.

18 Q. Would you agree that that could be construed  
19 as threatening in nature?

20 MS. LEFF: Object to form. Argumentative.

21 A. It is not threatening. I was saying where  
22 -- if I understand it right, it says a slain pat is  
23 another thing. I was facing the death penalty for  
24 something I didn't do. My language is street

1 language, bombastic.

2 Q. And scrolling down to the bottom of that  
3 page, "As for you and the pregnancy, are you sure  
4 it's mine and not Marvin's," question mark,  
5 exclamation point, exclamation point, question mark.

6 Did I read that accurately?

7 A. Yes.

8 Q. Based on this letter, is it fair to say that  
9 you knew Samantha was pregnant at that time?

10 A. Yes.

11 Q. And did you have a real concern that the  
12 child was Marvin Windham's and not yours?

13 A. At the time, I had real concern it could be  
14 anyone's child and not mine.

15 Q. It turned out that the child was yours?  
16 Nija is yours; correct?

17 A. Yes.

18 Q. I'm going to scroll down to Pursley 12076.

19 Starting with the top of the screen, "Also,  
20 my love, if you were threatened, intimidated, given  
21 false promises of freedom, and emotionally  
22 mistreated, tortured, I would seriously consider  
23 filing civil suit against the county and DA. Hold  
24 them liable for their misconduct."

1 Did I read that accurately?

2 A. I believe so, yes.

3 Q. And at the time you wrote this letter,  
4 Mr. Pursley, did you know if any of that happened to  
5 Samantha Crabtree?

6 A. I can't say. I don't know. As I sit here  
7 now, I don't know, but it appears that way.

8 Q. And at the bottom of the page, would you  
9 agree it reads, "It sounded like your statement was  
10 coerced out of you, made under stress, duress, and  
11 all that."

12 Did I read that accurately?

13 A. Is there -- yes, sir.

14 Q. Okay. And what did you mean when you said  
15 it sounded like her statement was coerced out of  
16 her, made under stress, duress, and all that?

17 A. I guess I was looking for -- you know, if  
18 the time -- the language of the time, I may have  
19 read a case or something that -- you know, I may  
20 have read a case and learned that language, so I was  
21 categorizing it -- or attempting to categorize it.

22 Q. Did you have any information that the  
23 statement that Samantha Crabtree had given had been  
24 coerced in any fashion?

1           A. As I sit here now, I don't -- I don't know  
2 when this letter was written. It appears that I got  
3 the information just from the language used in the  
4 letter. I'm not -- I can't be certain.

5           Q. Okay. I'm going to scroll down to the next  
6 page. Starting with the top of the sheet where I've  
7 scrolled, "I know one thing, if you dropped it on me  
8 because of Marvin, police and my fucking up, you  
9 better get a pooper-scooper and get this shit off me  
10 because I ain't going to be a fall guy for the state  
11 or Marvin."

12           Did I read that accurately?

13           A. I believe so.

14           Q. Would you agree that sentence is threatening  
15 in nature?

16           A. No.

17           Q. What did you mean by that statement?

18           A. Well, as I stated previously, I don't  
19 remember writing it. But in the -- just -- from  
20 just plain language of what you read me, it means  
21 like clean your shit up. Like to me, that is not a  
22 threat. It just means like, look, clean this shit  
23 up.

24           Q. Mr. Pursley, were you a gang member in 1993?

1 A. No.

2 Q. Were you ever a member of the Gangster  
3 Disciples?

4 A. I'd like to assert my Fifth Amendment right  
5 to be free from self-incrimination at this time.

6 Q. Were you ever affiliated with the Gangster  
7 Disciples?

8 A. I would like to assert my Fifth Amendment  
9 right to be free -- again free from  
10 self-incrimination at this time.

11 Q. This sheet that's on the screen that's part  
12 of this Exhibit 4 right now is Pursley 12078.

13 Do you see that?

14 Is that your handwritten name there,  
15 Mr. Pursley?

16 A. It is.

17 Q. And the P at the beginning of Patrick and at  
18 the beginning of Pursley appear to be in the form of  
19 pitchforks.

20 Do you see that?

21 A. That is not -- that is -- that is not. That  
22 is not. The -- when it says, "Babylon will fall  
23 sooner or later, Patrick Pursley," those are just --  
24 those are Ps. They're not pitchforks. And if it

1 was pitchforks, it would be pitchforks going down,  
2 but it's not pitchforks. And when I did put  
3 pitchforks in my name at any time, drawing or  
4 anything like that, the natural letter to use would  
5 be the T.

6 Q. When you said Babylon will fall sooner or  
7 later, what did you mean by that?

8 A. Just the system, the state. Just the  
9 empire. I read a lot of books on history.

10 Q. I want to show you another exhibit now.  
11 We'll mark this as Exhibit 5.

12 (Exhibit 5 was marked for identification  
13 and is attached to the transcript.)

14 MR. IASPARRO: This document is Bates  
15 numbered Pursley 12093 through 12099.

16 Q. Mr. Pursley, is that your handwriting on  
17 this letter?

18 A. Yes, sir, it appears so.

19 Q. Okay. And I'll scroll down to the bottom  
20 sheet again, as it was produced to us, just to show  
21 you.

22 Would you agree that that copy of the  
23 envelope there is postmarked July 15, 1993?

24 A. Yes, sir.

1           Q. Okay. Scrolling back up to Pursley 12093 --  
2       bear me with. I'm trying to find the spot that --  
3       all right.

4           Starting with the top of the page where I've  
5       scrolled to, "I had to question you as such. I had  
6       to try to unnerve you to see if you were playing me  
7       out."

8           Did I read that correctly?

9           A. I believe so, yes.

10          Q. Do you recall what you were referring to in  
11       that sentence, Mr. Pursley?

12          A. I do not.

13          Q. Why would you have needed to unnerve  
14       Ms. Crabtree?

15          A. I don't recall. I don't recall what I was  
16       talking about in this.

17          Q. And then scrolling down again, top of the  
18       screen where I scrolled to, "If you allow the  
19       psychological tactics of weakening you to the point  
20       of losing my baby, my anger shall not diminish for  
21       1001 years. Do you hear me?"

22          Did I read that correctly?

23          A. Yes.

24          Q. Would you agree that sentence is threatening



1 in nature?

2 A. It was not threatening. It was talking  
3 about how angry or how hurt I would be if she lost  
4 my child for not taking care of herself in the  
5 county jail.

6 Q. Mr. Pursley, would you characterize yourself  
7 as an angry person in the spring and summer of 1993?

8 A. No. No.

9 Q. Has it surprised you to learn that others  
10 have characterized you as such in that time frame?

11 MS. LEFF: Objection. Assumes facts not in  
12 evidence. Foundation.

13 A. I don't -- I don't know how to answer that  
14 question, Counsel. Would it surprise me if other  
15 people characterized me as angry in that time  
16 period?

17 Q. Right.

18 A. Is that the -- is that -- that's a -- that's  
19 a complex question in the sense that people will say  
20 or can say anything about you at any given moment.  
21 I was trying to be a father in 1993. I was trying  
22 to start a business in 1993. I was trying to do a  
23 lot of things. It doesn't -- to call me an angry  
24 person or something, I don't think that's a fair

1       characterization.

2               Q. In that time frame, did you hold any  
3       particular views or biases or prejudices towards  
4       white people?

5               A. No, sir.

6               Q. Okay. We're done with that exhibit. I'm  
7       going to show you the next one now, which this will  
8       be Pursley Deposition Exhibit 6.

9               (Exhibit 6 was marked for identification  
10       and is attached to the transcript.)

11              MR. IASPARRO: Which, for the record, is  
12       Bates numbers Pursley 12046 through 12052.

13              Q. Mr. Pursley, do you recognize this letter as  
14       being written in your handwriting?

15              A. Yes, sir.

16              Q. Okay. And as we've done in the past, I'll  
17       scroll down to the last page, Pursley 12052.

18              Do you see the postmark there,  
19       July 16, 1993?

20              A. Yes, sir.

21              Q. Okay. Scrolling back up, the passage I want  
22       to show you straddles 12046 and 12047. Starting  
23       with top of where I've scrolled, "I kind of feel  
24       like everyone is blowing smoke up my ass lately,

1 including you. It's like you tell me what I want to  
2 hear, and that's it. Fuck that. If you're not  
3 putting the same energy into getting out the real  
4 deal and letting the DA know that you BSed, then  
5 what makes me think that after all this time you'll  
6 explain to the jury what you told me because the  
7 pressure will be ten times worse. And maybe you  
8 really don't love me. Maybe it's all lies. Look at  
9 it from my perspective. Actions speak louder than  
10 words. So don't ask me for my guidance because  
11 they'll say I put you up to this and that all I want  
12 you to do is what your conscience tells you to do."

13 Did I read that accurately?

14 A. I believe so, yes, sir.

15 Q. What were you asking Samantha Crabtree to do  
16 at that time?

17 A. Just tell the truth. Just -- and once  
18 again, like I said, I don't remember writing these  
19 letters, but from what it sounds like, you know,  
20 just in retrospect, just, you know, tell the truth.  
21 You're under a lot of pressure in the county jail.  
22 You're under a lot more pressure facing the death  
23 penalty for something you didn't do. How the  
24 letters are read, it's not -- you know, it's a very

1     frustrating time. It's a very hurtful time. It's a  
2     very frustrating time.

3             Q. Did you have some concerns that Samantha  
4     Crabtree was just telling you what you wanted to  
5     hear?

6             A. I had concerns everybody was, including my  
7     lawyers.

8             Q. I'm going to scroll down to 12050.

9             All right. At the top where I've scrolled,  
10    Mr. Pursley, "Just write affidavit on top, date it,  
11    and sign it."

12            Do you see that?

13            A. Yes, sir.

14            Q. Why did you reference an affidavit in this  
15    letter?

16            A. Because I believed that an affidavit to my  
17    attorneys explaining what happened during the  
18    interrogation and that I didn't commit the murder  
19    would be -- would be evidence, would be able to  
20    prove my act of innocence.

21            Q. So the --

22            A. It's like jail talk. People -- you know,  
23    people talk, and you think, you know, like you've  
24    got to put your own evidence up.

1 Q. So the idea of Samantha Crabtree executing  
2 an affidavit, was that your idea?

3 A. I'm not sure who originally thought of it,  
4 but I -- like I said, it's so long ago, but that's  
5 what we were talking about.

6 Q. Would it be fair to say you were encouraging  
7 her to execute an affidavit?

8 A. Yeah. I asked her -- I asked her, you know,  
9 this is -- this is how you do it, yes.

10 Q. All right. We're done with that one.

11 The next one I'll show you we're going to  
12 mark Exhibit 7.

13 (Exhibit 7 was marked for identification  
14 and is attached to the transcript.)

15 MR. IASPARRO: And, for the record, this is  
16 Pursley 012100 through 012105.

17 Q. Mr. Pursley, is this document in your  
18 handwriting?

19 A. Yes, sir.

20 Q. Okay. And we've got this one and one other  
21 letter. We're almost done with the letters here.

22 I'll scroll down to the last sheet as it was  
23 produced to us, which is Pursley 12105. And I  
24 believe that's a 19, appears to me, but

1 July 19, 1993, appears to be the postmark.

2 Do you agree with that?

3 A. Yes, sir.

4 Q. Okay. And I'm going to scroll back up to  
5 12100.

6 All right. Top of where I've scrolled, it  
7 says, "All I want from you is to mail to Myra in a  
8 sealed envelope marked legal mail. This way we  
9 don't have to worry about prying eyes."

10 Did I read that correctly?

11 A. Yes.

12 Q. And is Myra, Myra Foster?

13 A. Yes.

14 Q. What were you asking Ms. Crabtree to mail to  
15 Myra?

16 A. I can't be certain. I really -- it could  
17 have been the affidavit. It could -- I'm not  
18 certain.

19 Q. Do you know if Ms. Crabtree followed your  
20 instructions in this regard?

21 A. I don't remember. I'm not sure if she took  
22 the affidavit directly down to the attorney or she  
23 sent it.

24 Q. And I'll show you the affidavit in a little

1 bit.

2 But the affidavit itself, who wrote it?

3 MS. LEFF: Object to foundation.

4 Q. Samantha Crabtree's affidavit.

5 A. I'm pretty sure she wrote it. I don't think  
6 I wrote it.

7 MR. IASPARRO: All right. This is going to  
8 be Exhibit 8.

9 (Exhibit 8 was marked for identification  
10 and is attached to the transcript.)

11 MR. IASPARRO: Which, for the record, is  
12 Pursley 12030 through 12038.

13 Q. Mr. Pursley, is this in your handwriting,  
14 this letter?

15 A. Yes, sir.

16 Q. And at the upper right-hand corner of the  
17 first sheet here, it says, "Tuesday, 7/21."

18 Do you see that?

19 A. Yes.

20 Q. Under that I think it's Ju -- is it Julette,  
21 Julette's birthday?

22 A. It's my daughter, yes.

23 Q. Okay.

24 A. Julette.

1 Q. Julette? And then July 21st, is that her  
2 birthday?

3 A. No. I was mistaken.

4 Q. Okay. So I'll scroll down to the last  
5 sheet, copy of the envelope.

6 Would you agree the postmark on the envelope  
7 says July 21, 1993?

8 A. Yes, sir.

9 Q. Let me scroll up to Pursley 12030, first  
10 page. So in reading through this first page of the  
11 letter, Mr. Pursley, it seems to me you had  
12 knowledge as of this time, July 21, 1993, that  
13 Samantha Crabtree had provided information to the  
14 police implicating you in those things we've talked  
15 before, the Burger King robbery, the bank robbery,  
16 as well as the Ascher murder.

17 Is that a fair characterization?

18 MS. LEFF: Object to form in terms of what  
19 you feel.

20 A. Yes.

21 Yes.

22 Q. Okay. And do you have an understanding  
23 having been through this case as long as you have  
24 that Lester Brown has indicated that you asked him



1 to kill Marvin Windham?

2 MS. LEFF: Object to form. Foundation.

3 A. I have read that, yes, sir.

4 Q. Okay. Did you ask Lester Brown to kill  
5 Marvin Windham?

6 A. No.

7 Q. Do you have any idea why Lester Brown would  
8 say such a thing?

9 MS. LEFF: Objection. Calls for  
10 speculation. Lack of foundation.

11 A. I do not. I do not.

12 Q. Did you at any time know a man named Olin  
13 Bell, Senior?

14 A. I do not remember Olin Bell, Senior.

15 Q. Over the course of time, with respect to  
16 this case, have you been made aware of a written  
17 statement executed by a man named Olin Bell, Senior  
18 regarding some conversations that he and you had  
19 while you were locked up together?

20 A. I learned of that earlier this year, yes,  
21 sir.

22 Q. Okay. Prior to earlier this year, had you  
23 ever heard of Olin Bell senior?

24 MS. LEFF: Object to form.

1           A. I do not know -- no. It still does not ring  
2 a bell. I do not know who Olin Bell senior is.

3           Q. Okay. To the best of your knowledge, were  
4 you ever incarcerated with a man by the name of Olin  
5 Bell, Senior?

6           A. Just from what I was told, sir, not from  
7 independent recollection.

8           Q. Scrolling down on the exhibit that is on the  
9 screen in front of you to Pursley 12033 -- and the  
10 part I'm going to reference straddles over to 12034.

11           Starting with the top of the sheet where  
12 I've scrolled, "As far as you, before I put the bite  
13 down on your story, I'm going to see if you're going  
14 to come correct. If you know -- if not, you know  
15 I'll be forced to shred your shit like cheese, too.  
16 Not just you dealing with him or your lying either  
17 it has something to do with?"

18           Did I read that correctly?

19           A. Yes, sir. It appears so.

20           Q. Would you agree that the phrase I'll be  
21 forced to shred your shit like cheese, too, is  
22 threatening in nature?

23           A. It's not physical threats, sir. It's  
24 talking about her story. It's talking about in

1 court. It's just shred her story.

2 Q. And on this date, July 21, 1993,  
3 Ms. Crabtree had not yet executed her affidavit, had  
4 she?

5 MS. LEFF: I'm going to object to  
6 foundation.

7 A. I do not know.

8 Q. Do you remember, did she execute her  
9 affidavit before or after she was released from the  
10 Winnebago County Jail?

11 MS. LEFF: Object to foundation.

12 You can answer, if you know.

13 A. I believe -- I believe it was after.

14 Q. And if you were writing a letter addressed  
15 to Samantha at the Winnebago County Jail, that would  
16 suggest she was still incarcerated; true?

17 A. Yes, sir. Yes, sir.

18 Q. I'm going to scroll to Pursley 12035.

19 Starting with top of the page where I've  
20 scrolled, the parenthetical, "By the way, do you  
21 remember why I told you to write Marvin at work  
22 release, what he said he would sell me, Sam. I  
23 won't give you a clue. Just put it in a letter if  
24 you remember. If not, ask Rachel."

1 Did I read that correctly?

2 A. Yes, sir.

3 Q. Mr. Pursley, what were you talking about  
4 there?

5 A. I have no idea.

6 Q. Who is Rachel?

7 A. Probably a former girlfriend.

8 Q. Your former girlfriend?

9 A. Yes.

10 Q. As you sit there today, do you have any  
11 reason to understand what you would be asking  
12 Samantha to ask Rachel about?

13 MS. LEFF: Objection. Asked and answered.

14 A. I do not.

15 Q. Put that aside.

16 MR. IASPARRO: We'll mark this as 9.

17 (Exhibit 9 was marked for identification  
18 and is attached to the transcript.)

19 BY MR. IASPARRO:

20 Q. Mr. Pursley, do you recognize this as the  
21 Samantha Crabtree affidavit?

22 A. I will -- I will agree that it is. I don't  
23 remember it. I haven't seen it in so long.

24 Q. Were you involved at all in drafting this

1 document, Mr. Pursley?

2 MS. LEFF: Objection. Asked and answered.

3 A. I don't believe so.

4 Q. Do you recognize the handwriting in this  
5 document?

6 A. I believe it's Samantha's handwriting.

7 Q. Do you know for sure?

8 A. No. I mean, I believe it's her handwriting.  
9 I know it's not my handwriting. It says, "I,  
10 Samantha Crabtree..."

11 Q. Did you review this document before Samantha  
12 Crabtree executed it?

13 A. I don't remember. I don't think so. I  
14 don't see how I would have been able to.

15 Q. When was the first time you recall seeing  
16 this document?

17 A. I do not recall the first time I seen this  
18 document.

19 MR. IASPARRO: All right. This might be a  
20 good time for just a few minute break. I've got  
21 another section of the deposition I'd like to segue  
22 to, and I don't have a whole lot longer. But I do  
23 think about five minutes or so might be helpful.

24 MS. LEFF: Let's go off the record then.

1 THE WITNESS: Thank you.

2 (A short break was had.)

3 BY MR. IASPARRO:

4 Q. Mr. Pursley, I want to go back to the  
5 complaint again for the next set of questions. And  
6 I'll start showing you the complaint again. I  
7 think -- there we go.

8 All right. There we go.

9 Do you see that?

10 A. Yes, sir.

11 Q. All right. I am going to direct your  
12 attention now to paragraph 42 on page 6 of the  
13 second amended complaint which reads, "On June 10th,  
14 Defendants Schmidt, Forrester, Houde, and at least  
15 two other defendant officers began following  
16 Plaintiff's girlfriend, Samantha Crabtree, and  
17 pursued her until she gave them a false statement  
18 against Plaintiff."

19 Did I read that accurately?

20 A. Yes, sir.

21 Q. All right. My question, Mr. Pursley, is, do  
22 you have any basis as you sit there today to allege  
23 that those three detectives in particular --  
24 Detectives Schmidt, Forrester, and Houde -- knew on

1 June 10, 1993 that the written statement provided by  
2 Samantha Crabtree regarding the Ascher murder was in  
3 any way false?

4 MS. LEFF: I'm going to object to the extent  
5 it calls for a legal conclusion and as to lack of  
6 foundation.

7 You can answer the question to the best of  
8 your ability.

9 A. Only from what I heard, sir.

10 Q. And when you say only from what you've  
11 heard, what do you mean by that?

12 A. What I heard from Samantha and in court  
13 and...

14 Q. Okay. So in terms of their mindset -- and  
15 when I say their, I mean Detectives Schmidt,  
16 Forrester, and Houde -- do you have any basis of  
17 knowledge as to what their mindset was on June 10th  
18 of 1993?

19 A. I do not.

20 Q. Okay. I'm going to scroll down to  
21 paragraph 45, "Over the course of several hours,  
22 defendant officers, including Forrester and Schmidt,  
23 intimidated and coerced Crabtree, threatening to  
24 separate her from her children. Feeding Crabtree

1 details about Ascher's murder that she did not  
2 previously know, Defendants coerced Crabtree into  
3 fabricating a story implicating Plaintiff in the  
4 murder."

5 Did I read that correctly?

6 A. Yes, sir.

7 Q. All right. I want to make sure I understand  
8 this allegation. Are you alleging that Detectives  
9 Forrester and Schmidt fabricated the statement or  
10 that Samantha Crabtree did so?

11 MS. LEFF: I'm going to object. That calls  
12 for a legal conclusion.

13 A. I do not know. I can't answer that  
14 question.

15 Q. Okay. Do you know if on June 10, 1993, --  
16 let me start over.

17 Do you know if Detectives Forrester and  
18 Schmidt believed on June 10, 1993, that Samantha  
19 Crabtree's written statement was truthful?

20 A. I do not know.

21 Q. Would you agree that her statement was  
22 consistent with Marvin Windham's information that he  
23 provided to Crime Stoppers two days earlier on  
24 June 8, 1993?



1 MS. LEFF: Object to foundation. Object to  
2 form.

3 A. Not --

4 Q. I'm sorry. What was your answer?

5 A. I don't know.

6 Q. Okay. And then turning -- scrolling down to  
7 paragraph 46 of the second amended complaint,  
8 "Defendants Forrester and Schmidt then brought  
9 Crabtree to the back of a police car to the area  
10 where Ascher was killed. Defendants coerced  
11 Crabtree into fabricating a story about driving  
12 Plaintiff to and from the scene of Ascher's murder  
13 on the night he was killed."

14 Did I read that correctly?

15 A. Yes, sir.

16 Q. Which defendants are you alleging coerced  
17 Ms. Crabtree into fabricating a story about driving  
18 you to and from the scene of Ascher's murder on the  
19 night he was killed?

20 MS. LEFF: I'm going to object to the  
21 question. Calls for a legal conclusion. Lack of  
22 foundation.

23 You can answer to the best of your ability.

24 A. I don't know. Just what's stated in the

1 complaint.

2 Q. And similar to what I asked you before with  
3 respect to paragraph 45, are you alleging that it  
4 was Detectives Forrester and/or Schmidt who  
5 fabricated that story or that they coerced Samantha  
6 Crabtree into fabricating the story?

7 MS. LEFF: Same objections. Calls for a  
8 legal conclusion. Lack of foundation.

9 A. I don't know, sir.

10 Q. Okay. Paragraph 47, "Forrester and Schmidt  
11 later brought Crabtree to the identification unit at  
12 the police station to meet Defendant Houde. There  
13 the defendant officers coerced Crabtree into falsely  
14 claiming that on the night of Ascher's murder  
15 Plaintiff wore the clothing and carried the  
16 9-millimeter Taurus handgun they said had been  
17 recovered from Plaintiff's and her apartment."

18 Did I read that correctly?

19 A. Yes, sir.

20 Q. And similar to the questions I asked with  
21 respect to the two preceding paragraphs, who are the  
22 defendant officers you are alleging coerced  
23 Ms. Crabtree into falsely claiming that on the night  
24 of Ascher's murder, you wore the clothing and

1 carried the 9-millimeter Taurus handgun that the  
2 police say they recovered from your and  
3 Ms. Crabtree's apartment?

4 MS. LEFF: Objection. Calls for a legal  
5 conclusion. Lack of foundation.

6 A. Once again, I don't know, sir, only what's  
7 alleged in the complaint as the allegation.

8 Q. Okay. And do you know, are you alleging it  
9 was those officers who are identified in paragraph  
10 47 who fabricated that information, or that they  
11 coerced Ms. Crabtree into making that claim?

12 MS. LEFF: Same objections as to calling for  
13 a legal conclusion and lack of foundation.

14 A. I don't know.

15 Q. All right. Paragraph 50, "The defendant  
16 officers knew the statement they obtained from  
17 Crabtree was false. Her false statement was used to  
18 initiate criminal charges against Plaintiff and  
19 secure his indictment."

20 Did I read that correctly?

21 A. Yes, sir.

22 Q. Which defendant officers are you alleging  
23 knew that Samantha Crabtree's statement was false on  
24 June 10, 1993?

1 MS. LEFF: Objection. Calls for a legal  
2 conclusion. Lack of foundation.

3 A. Once again, I don't know, sir. I'm only  
4 standing on the complaint.

5 Q. We talked a little bit earlier about  
6 Samantha Crabtree's affidavit and the fact that it  
7 was executed after she was released from jail;  
8 correct?

9 MS. LEFF: Objection. Mischaracterizes  
10 testimony.

11 A. Yes, sir.

12 Q. Are you aware of the circumstances which led  
13 to her release from the Winnebago County Jail in  
14 late July 1993?

15 A. Not really.

16 Q. Okay. All right. Paragraph 53 of the  
17 second amended complaint, "The defendant forensic  
18 scientists compared bullets and cartridge casings  
19 fired from the Taurus to bullets and casings located  
20 at the crime scene and on the victim. The tests did  
21 not establish that the Taurus was the gun used to  
22 kill Andrew Ascher."

23 Did I read that correctly?

24 A. Yes, sir.

1 Q. What is your basis for alleging that the  
2 tests performed by the Illinois State Police  
3 defendant forensic scientists did not establish that  
4 the Taurus handgun was the gun used to kill Andrew  
5 Ascher?

6 MS. LEFF: I'm going to object that it calls  
7 for a legal conclusion and for expert testimony.

8 You can answer to the best of your ability.

9 A. Just from -- I don't know. Just from the  
10 complaint. I'm standing on the complaint.

11 Q. Do you have any basis to allege that any of  
12 the defendant forensic scientists did anything other  
13 than act in good faith in relation to their work on  
14 the Ascher homicide in 1993 and 1994?

15 MS. LEFF: I'll object to the extent that it  
16 calls for legal conclusion and for expert testimony  
17 as well.

18 You can answer to the best of your ability.

19 A. It's just my -- just my opinion. It's just  
20 my opinion that it was a fabricated identification.

21 Q. I don't know if I asked you this. I might  
22 have asked you this with respect to the officers.

23 But before 1993, had you ever met a man  
24 named Daniel Gunnell or a man named Peter

1 Striupaitis or a man named Jack Welty, to the best  
2 of your knowledge?

3 A. No, sir.

4 Q. To the best of your knowledge, had any of  
5 those individuals been involved in any other  
6 investigations or cases that you were in with  
7 respect to the Rockford police department?

8 A. Not that I know of, sir.

9 Q. Paragraph 54, reads, "Nevertheless, the  
10 defendant forensic scientists fabricated a report  
11 stating the science showed with certainty that the  
12 Taurus was used in the murder."

13 Did I read that right?

14 A. Yes, sir.

15 Q. What is your basis to make the allegation  
16 that the defendant forensic scientists fabricated a  
17 report stating that?

18 MS. LEFF: Objection. Calls for a legal  
19 conclusion and also for expert testimony.

20 You can answer to the best of your ability.

21 A. Just the change in -- the change in their  
22 testimony and the aspect that showed the gun that  
23 doesn't match.

24 Q. And with respect to change in testimony, are

1     you aware of a change in the science, if you will,  
2     between the time of your first trial in 1994 and  
3     your post-conviction proceedings in the 2000s with  
4     respect to the level of certainty that firearms and  
5     ballistics experts can use in matching ballistics  
6     evidence?

7             MS. LEFF: I'll object to the lack in  
8     foundation to answer questions like this. Also,  
9     that these questions call for expert testimony.

10            You can answer, if you can.

11            A. I'm only familiar from the stuff that I  
12     read.

13            Q. Okay. Are you aware of any evidence,  
14     Mr. Pursley, that any of the Rockford police  
15     officers who are named as defendants in the second  
16     amended complaint communicated in any way with  
17     Daniel Gunnell regarding his analysis or tests  
18     performed on the Taurus 9-millimeter handgun  
19     recovered from 901 Ashland on June 10, 1993?

20            MS. LEFF: Object to lack of foundation.

21            A. I am not. I don't know.

22            Q. What is the evidence, if any, that you are  
23     aware of which supports your allegation that the  
24     defendant officers and the defendant forensic

1 scientists conspired to fabricate the ballistics  
2 evidence results in your case and then to withhold  
3 that fabrication from the prosecution and the  
4 defense?

5 MS. LEFF: Objection. Calls for a legal  
6 conclusion and for expert testimony.

7 You can answer to the best of your ability.

8 A. The fact that at my trial, the defense  
9 experts normally worked for the state or for the  
10 feds, that I was only the fourth defense case they  
11 worked for. It was a reputable lab. They looked at  
12 the gun on three occasions and could not come to the  
13 same conclusion that the state's expert did. And  
14 then later, the state's expert, after further gun  
15 testing was done in the 2000s, changed their  
16 stories. And the IBIS system did not connect my gun  
17 to the crime scene.

18 Q. All right. Moving down to paragraph 56 of  
19 the second amended complaint, "In fabricating the  
20 link between the Taurus and Ascher's murder,  
21 defendants entered into evidence a gun they knew was  
22 not the murder weapon and falsely indicated that it  
23 was the murder weapon."

24 Did I read that accurately?



1 A. Yes, sir.

2 Q. What is your basis for making that  
3 allegation?

4 MS. LEFF: I'm just going to object again as  
5 to calling for a legal conclusion and for lack of  
6 foundation.

7 And I also want to caution Mr. Pursley not  
8 to give testimony that reveals the subject of  
9 communications between you and your counsel.

10 So you can answer.

11 A. Repeat the question, sir?

12 Q. Well, let me ask it differently.

13 And I agree with Ms. Leff.

14 I'm not asking you to reveal any sort of  
15 communications that you and your attorneys may have  
16 had in drafting this complaint. Okay? Or in  
17 formulating these allegations. What I want to know  
18 is what you know in terms of facts that support  
19 these allegations.

20 So my question with respect to this  
21 paragraph 56 is, what evidence are you aware of, do  
22 you have knowledge of, that the murder weapon, that  
23 Taurus 9-millimeter that was entered into evidence  
24 at your trial was a weapon that the police knew was

1 not actually the murder weapon?

2 MS. LEFF: Again, I'll object that these  
3 questions call for a legal conclusion and for expert  
4 testimony and instruct you not to reveal any  
5 information that you learned through communication  
6 with your counsel.

7 A. I don't know.

8 Q. Going down to paragraph 60, "One of the  
9 defendant officers spoke to the victim's mother,  
10 Lois Ascher, after Plaintiff's arrest for her son's  
11 death. Mrs. Ascher asked whether the police were  
12 sure Plaintiff committed the crime, and the  
13 defendant officer responded, 'Well, we have somebody  
14 anyway.'"

15 Did I read that accurately?

16 A. Yes, sir.

17 Q. Which defendant officer are you referring to  
18 in paragraph 60 of the complaint?

19 MS. LEFF: I'll object to lack of  
20 foundation.

21 A. I don't know.

22 Q. Are you -- do you have any knowledge that  
23 any of the named defendant Rockford police officers  
24 actually spoke to the victim's mother, Lois Ascher,

1 consistent with the allegations in paragraph 60?

2 MS. LEFF: Are you asking if he has  
3 firsthand knowledge?

4 MR. IASPARRO: Yes.

5 MS. LEFF: Object to form.

6 A. Only to what came out in court and what she  
7 told the state's attorney's, investigators, and the  
8 reports that were taken.

9 Q. Mr. Pursley, as you sit there today, could  
10 you please explain what, if any, evidence you are  
11 aware of that supports your claim that any of the  
12 defendant Rockford police officers conspired in any  
13 way with any of the defendant forensic scientists to  
14 frame you for the murder of Andrew Ascher?

15 MS. LEFF: I want to object to this line of  
16 questioning again. Calls for a legal conclusion and  
17 for expert testimony.

18 I just want to be clear, to the extent that  
19 you're asking him to testify about what evidence  
20 supports particular allegations and how he's going  
21 to prove his claims, I think these questions call  
22 for information that he would know through  
23 attorney-client privileged communications.

24 I don't want -- I'm going to instruct him

1 not to give any testimony about facts or about his  
2 understanding that he gained through his  
3 conversations with his lawyers?

4 MR. IASPARRO: I'm not asking him about  
5 that. These are his allegations that he's making  
6 that these people conspired to frame him. I want to  
7 know what he knows about that. How does he know  
8 that?

9 MS. LEFF: The question seems to essentially  
10 be, how are you going to prove your claims or how  
11 have you developed evidence to support your claims.  
12 I think you're on the line. I just want to be clear  
13 on that.

14 MR. IASPARRO: That's not the intent of my  
15 question. I want to know what he knows, not how are  
16 you going to prove your claim. I have an idea of  
17 how you're going to try and prove it. That's  
18 between you and us. What does he know? So let me  
19 ask the question again.

20 BY MR. IASPARRO:

21 Q. Mr. Pursley, do you have any firsthand  
22 knowledge that any of the defendant Rockford police  
23 officers conspired in any way with any of the  
24 defendant forensic scientists to frame you for the

1 murder of Andrew Ascher?

2 A. I don't know.

3 Q. All right. Last few questions I've got for  
4 you before I turn it over to whomever is going to go  
5 next are, with respect to your criminal record,  
6 Mr. Pursley, if I understand it correctly, you're  
7 currently on conditional discharge for a felony  
8 offense; is that correct?

9 A. Yes, sir.

10 Q. And that is -- bear with me.

11 I want to make sure I get this right.

12 On April 1, 2019, you pled guilty to the  
13 class 4 felony, attempting to defraud a drug screen  
14 in Winnebago county; correct?

15 A. Yes, sir.

16 Q. And that was based upon your trying to  
17 fabricate the results of a drug screen that you  
18 needed to complete while you were on pretrial  
19 release?

20 MS. LEFF: Object to form.

21 A. Yes, sir.

22 Q. Okay. And you previously testified that you  
23 were convicted of residential burglary and sentenced  
24 to the Department of Corrections, I think, in the

1 early 1980's; is that right?

2 A. Yes, sir.

3 Q. And were you also convicted of possession of  
4 a stolen motor vehicle in Kane County in the early  
5 1990's?

6 A. Yes. Yes, sir.

7 Q. Okay. And you've also got convictions for  
8 violation of the Cannabis Control Act out of Kane  
9 County in 1988, a felony conviction?

10 A. Yes, sir.

11 Q. As well as unlawful use of weapons -- or  
12 unlawful use of a weapon by a felon in Kane County  
13 in 1989?

14 A. I don't think that's correct. I believe it  
15 was Winnebago County.

16 Q. Winnebago? All right.

17 Do you have any pending criminal offenses as  
18 you sit there today, criminal charges?

19 A. No, sir. No, sir.

20 Q. Okay. I'm going to hand it over now,  
21 Mr. Pursley. I appreciate your patience today. I  
22 may have a few questions later on to wrap up, but  
23 for, now I'm done.

24 A. Thank you.

1 Q. Thank you.

2 A. Thank you.

3 MR. HUOTARI: Do you mind if we take about  
4 ten minutes?

5 MR. IASPARRO: That's fine with me.

6 (A short break was had.)

7 EXAMINATION

8 BY MR. HUOTARI:

9 Q. Good afternoon, Mr. Pursley. My name is  
10 Joel Huotari. I'm one of the attorneys. I  
11 represent a handful of defendants -- James Barton,  
12 Bruce Scott, Doug Williams, and Steven Pirages.

13 Are you able to hear me okay?

14 A. Yes, sir.

15 Q. Okay. Great. I want to pick up and follow  
16 up on a few of the topics that Mr. Iasparro had  
17 asked you about a little while ago.

18 Earlier he had asked you a question about  
19 paragraph 42 of the amended complaint.

20 MR. HUOTARI: And, Michael, I don't suppose  
21 you're able to put that back up on the screen for us  
22 right now so that we can refresh our recollection as  
23 to the content of paragraph 42.

24 MR. IASPARRO: Sure. One second here.

1 Can everybody see that?

2 MS. LEFF: Thank you.

3 Q. Mr. Pursley, paragraph 42 of your complaint  
4 states that, "On June 10th, Defendants Schmidt,  
5 Forrester, Houde, and at least two other defendant  
6 officers began following Plaintiff's girlfriend,  
7 Samantha Crabtree, and pursued her until she gave  
8 them a false statement against Plaintiff."

9 Do you know who the at least two other  
10 defendant officers are that are described in that  
11 allegation?

12 A. No, sir.

13 Q. Okay. With respect to the police officer  
14 defendants, you had testified earlier that you had  
15 some occasion to meet an officer by the name of  
16 Forrester prior to the Ascher investigation.

17 Do you remember that?

18 A. Yes, sir.

19 Q. And was he the only defendant officer that  
20 you had any experience with prior to the Ascher  
21 investigation?

22 MS. LEFF: I'm going to object to form and  
23 foundation.

24 A. I do not know.



1 Q. Okay. As you sit here today, do you  
2 remember having any interactions with any of the  
3 other defendant officers prior to the Ascher  
4 investigation other than Forrester?

5 A. As I sit here today, I do not remember.

6 Q. Okay. Thank you.

7 Now, you testified earlier that you're not  
8 aware of any evidence that any of the defendant  
9 officers in this case fabricated evidence in support  
10 of the Ascher investigation. And what I'd like to  
11 know is, do you have any evidence that you're aware  
12 of that suggests that any of the defendant officers  
13 withheld any evidence relevant to the Ascher  
14 investigation.

15 MS. LEFF: I'm going to object that it  
16 mischaracterizes the testimony, misstates the  
17 record, calls for a legal conclusion, calls for  
18 expert testimony. And I'm going to instruct  
19 Mr. Pursley not to share any information that he  
20 learned through attorney-client communications.

21 You can answer.

22 MR. HUOTARI: For the record, facts are not  
23 privileged. Communications and work product is. So  
24 if Mr. Pursley learned of facts, the facts are not

1 privileged. You can't have a monopoly on the facts,  
2 as you know, Counsel.

3 So my question is whether Mr. Pursley is  
4 aware of any facts that support an allegation that  
5 any of the defendant officers withheld any evidence  
6 relevant to the Ascher investigation.

7 MS. LEFF: Same objections.

8 A. As I sit here, I do not know.

9 Q. And similarly, as you sit here today, are  
10 you aware of any facts that support an allegation  
11 that any of the officers conspired, either amongst  
12 themselves or amongst anyone else, in support of  
13 wrongfully convicting you or depriving you of your  
14 civil rights or inflicting the intentional  
15 infliction of emotional distress or committing any  
16 other wrongdoing that you've complained about.

17 MS. LEFF: Objection. Asked and answered  
18 and calls for a legal conclusion.

19 A. As I sit here, I do not know.

20 Q. As you sit here today, are you aware of any  
21 facts that support an allegation that any of the  
22 defendant officers knew of any wrongdoing by other  
23 officers or by the codefendants from the Illinois  
24 State Police but they failed to intervene to prevent

1 that wrongdoing?

2 MS. LEFF: Objection. Calls for legal  
3 conclusion.

4 You can answer to the best of your ability.

5 A. As I sit here, I do not know. I cannot  
6 answer that question.

7 Q. Thank you, sir.

8 In a similar vein, as you sit here today,  
9 are you aware of any facts to support an allegation  
10 that any of the defendants knew you were innocent of  
11 the Ascher murder but, nevertheless, intentionally  
12 sought to convict you of that murder for the purpose  
13 of causing you emotional distress?

14 MS. LEFF: Objection. Compound and --  
15 objection. Calls for a legal conclusion.

16 You can answer to the best of your ability.

17 A. As I sit here, I do not know, sir.

18 Q. Do you believe that any of the defendants in  
19 this case actually believed that you were the one  
20 who killed Andrew Ascher?

21 MS. LEFF: Objection. Vague. Object to  
22 form and calls for speculation.

23 A. I do not know.

24 Q. You don't know one way or the other?

1 A. I do not.

2 Q. With respect to the convictions that you  
3 testified to earlier when Mr. Iasparro asked you  
4 about your prior convictions, did you do time in  
5 prison for each of those felony convictions?

6 MS. LEFF: Objection. Compound.

7 A. I did, sir.

8 Q. I'm sorry. I didn't catch your answer.

9 A. Yes, sir.

10 Q. Okay. So for each of those convictions, you  
11 served time in the penitentiary?

12 A. Yes, sir.

13 Q. So by the time you were convicted of the  
14 Ascher murder, you had served prison time how many  
15 times prior to that?

16 A. Three.

17 Q. Three times? Okay.

18 So the murder time you served was the fourth  
19 time that you were incarcerated?

20 A. Yes, sir.

21 Q. Now, with respect to the bank robbery that  
22 you pled the fifth to, do you recall how much time  
23 you would have been facing on the bank robbery  
24 charge if you were prosecuted for that?

1 MS. LEFF: I'm going to object. Calls for  
2 facts not in evidence. Calls for a legal  
3 conclusion. Lack of foundation.

4 A. No, sir.

5 Q. Do you know why the state --

6 A. Once again, I also have to plead the fifth.

7 Q. Okay. I understand.

8 And do you know why the state chose not to  
9 prosecute you for the bank robbery?

10 MS. LEFF: Objection. Lack of foundation.

11 A. I do not know, sir.

12 Q. With respect to your prior history of drug  
13 use, I believe you testified earlier that you were a  
14 user of crack cocaine back in the '93-'94 time  
15 frame; is that correct?

16 MS. LEFF: Objection. Misstates the record.

17 A. I did not -- I did not state that. If I  
18 did, that's a mistake. What I said was I would  
19 plead the fifth on anything that would incriminate  
20 me, if I remember correctly.

21 Q. Oh, I see. So do you have a history of  
22 using crack cocaine in the '93-'94 time frame?

23 MS. LEFF: Objection. Asked and answered.

24 A. No. But, once again, I would plead the

1 fifth to any questions regarding drug use or along  
2 that vein.

3 Q. And does that invocation of the Fifth  
4 Amendment extend to your use of marijuana?

5 A. At this time, yes, sir.

6 Q. So if I asked you any questions about using  
7 any illicit substances at any point in time in your  
8 past, you would be invoking the Fifth Amendment; is  
9 that right?

10 A. Yes, sir, respectfully.

11 Q. That's not a problem. I understand.

12 Do you have any physical, medical, or  
13 psychiatric conditions that you are seeking damages  
14 for from the defendants in this civil case?

15 MS. LEFF: I'm going to object to the extent  
16 it calls for a legal conclusion.

17 A. Just to the extent of what is alleged in the  
18 complaint, sir.

19 Q. Okay. So have you been diagnosed with any  
20 medical or psychiatric conditions that you're  
21 seeking damages for?

22 MS. LEFF: Object. Calls for a legal  
23 conclusion.

24 A. Yes. And just what I stipulated in the

1 complaint, sir.

2 Q. And what are those medical and psychiatric  
3 conditions that you assert the defendants in this  
4 case have caused you?

5 A. Just what's stipulated in the complaint.

6 Q. And what paragraph can you refer me to to  
7 identify the medical and psychiatric conditions that  
8 are the subject of your damages claim?

9 A. I cannot right now.

10 Q. So as you sit here today, you're unable to  
11 tell me any particular medical, psychological, or  
12 physical conditions that are the subject of your  
13 damages claim?

14 MS. LEFF: I'm just going to object to the  
15 extent this is calling for a legal conclusion in  
16 terms of conditions he is seeking damages for as  
17 opposed to conditions that he believes were caused  
18 by the defendants.

19 You can answer to the extent you understand  
20 the question, Patrick.

21 A. I'm unable to answer the question. I don't  
22 know at this time sitting here.

23 Q. And with respect to your back condition that  
24 you had surgery for, you're not claiming that that

1 is a result of anything that the defendants in this  
2 case did, are you?

3 A. Again, as I sit here at this time, I do not  
4 know.

5 Q. Okay. And as you sit here today --

6 A. I believe it's a -- it's my objective  
7 belief, I believe it is. This is a continuation,  
8 but that's my belief. It's part of a chain of  
9 events.

10 Q. And how did you injure your back?

11 A. But as far as the complexity -- my back got  
12 worn out. And once I -- once I got out, within two  
13 months, I worked in building renovation, and I just  
14 couldn't do the work. It just -- it seemed what was  
15 beneath the surface had came to the surface  
16 abruptly.

17 Q. Okay. I believe you testified earlier that  
18 a part of your back problem arose due to working out  
19 while in prison; is that accurate?

20 A. And I believe it was -- just my subjective  
21 belief. I believe it was nutrition, the water,  
22 being on the jail bunk so much, as well as the  
23 workout, the lack of nutrition as well as the  
24 working out.



1 Q. So is it --

2 A. That is just my personal belief.

3 Q. Sorry. I didn't mean to cut you off.

4 Is it your testimony then that it was the  
5 conditions of confinement while you were  
6 incarcerated that helped lead to your deteriorated  
7 condition?

8 A. Yes, sir.

9 Q. And the conditions of your confinement were  
10 actually the subject of a separate civil suit that  
11 you brought against the IDOC and others; isn't that  
12 right?

13 A. Yes, sir.

14 Q. And you settled that suit with the  
15 defendants in that case?

16 A. I believe that case was settled.

17 Q. Okay. And you're not trying to seek a  
18 double-recovery for the same claim that you resolved  
19 in that prior litigation, are you?

20 MS. LEFF: Object to the extent it calls for  
21 a legal conclusion.

22 You can answer to the extent you understand.

23 A. I do not know if that's what that is  
24 considered.

1 Q. Are you still treating for any physical,  
2 psychological, or other condition that you attribute  
3 to any of the defendants in this case?

4 A. Yes, sir.

5 Q. And what conditions are you treating for  
6 that you attribute to the defendants?

7 A. Once again, just to the basis of knowledge  
8 of what's in the complaint, sir.

9 Q. I don't know what that means.

10 I'm asking you what conditions you're  
11 currently treating for that you attribute to the  
12 defendants in this case.

13 MS. LEFF: Can you fix your camera so that  
14 we can see your face?

15 THE WITNESS: I didn't know my cam is  
16 blocked. It shouldn't be blocked. There's  
17 documents in my camera. You should see my face. I  
18 see you. I'm not -- the video is not blocked.  
19 There's a document up on the screen that was not  
20 resolved. Perhaps, if that was taken down --

21 MR. IASPARRO: I can stop sharing that, if  
22 that's all right, Joel.

23 MR. HUOTARI: Oh, yes, please. Thank you.

24 MS. LEFF: Okay.

1 A. It seems frozen. Is it working now?

2 MS. LEFF: Yes.

3 Q. Yeah. That's great, Mr. Pursley. Thank you  
4 for fixing that.

5 So my question to you was whether you're  
6 still treating for conditions that you attribute to  
7 the wrongdoing you've alleged against the defendants  
8 in this case as opposed to treating for lingering  
9 conditions that arose as a result of being confined  
10 in a jail with improper nutrition or bedding, or  
11 whatever other conditions you had in the jail that  
12 you settled in the other case.

13 MS. LEFF: Object to form.

14 A. I'm still being treated for conditions, yes,  
15 sir.

16 Q. And what are those conditions?

17 A. Back, high blood pressure, and mental  
18 conditions as well.

19 Q. Okay. And you're actively treating for each  
20 of those three types of medical issues?

21 A. Yes, sir.

22 Q. And have you disclosed to your attorneys for  
23 production in this case all of the records about the  
24 course of treatment for those three conditions?

1           A. I believe I have.

2           MR. HUOTARI: Thank you very much. That's  
3 all the questions that I have for you, Mr. Pursley.  
4 There's a few other attorneys on the line who might  
5 have questions at this point, so I'm going to pass  
6 along to them thank you.

7                               EXAMINATION

8 BY MR. POTTINGER:

9           Q. Mr. Pursley, my name is Robert Pottinger. I  
10 represent the state defendants that include Howard  
11 Forrester and others -- Gary Reffett, David Ekedahl.  
12 I just have a few questions for you.

13           With regard to your back injury or spine  
14 surgery which you had, I think it was in 2019, have  
15 you made any claim for medical negligence in  
16 association with that surgery against the doctors?

17           A. I have not.

18           Q. Do you intend to pursue --

19           A. No, I have not.

20           Q. Do you intend to pursue any such claim,  
21 Mr. Pursley?

22           A. Not at this time, no, sir. No, sir, not at  
23 this time.

24           Q. Do you believe that you were mistreated by

1 the doctors in some fashion, in your own mind?

2 A. Regarding my surgeries or regarding while I  
3 was incarcerated?

4 Q. Just your surgeries, sir.

5 A. No, not -- no.

6 Q. Okay. You indicated when you spoke with  
7 Samantha Crabtree recently that you were discussing  
8 your daughter's graduation.

9 Is that true?

10 A. Yes, sir.

11 Q. Okay. What is your -- what was your  
12 daughter graduating from?

13 A. She just got an associate's degree. I  
14 believe she started at Rock Valley, completed it  
15 online, but due to the COVID, all live -- you know,  
16 it was canceled, live graduation ceremonies were  
17 canceled.

18 Q. With regard to -- and we've gone over this a  
19 number of times. I want to be crystal clear on  
20 this. Any sort of writings or notes that you've  
21 shared with your attorneys, I am not asking you  
22 about or things that they've shared with you.

23 But aside from any communications, writings,  
24 documents, e-mails with your attorneys, as it

1 relates to this case or the accusation and ultimate  
2 conviction and vacating the conviction with regard  
3 to Andrew Ascher, have you made any other writings  
4 -- meaning notes, any diaries, or e-mails -- to any  
5 other person?

6 A. No, sir, not that I can remember.

7 Q. Did you put together a screenplay or attempt  
8 to put together some sort of a commercial production  
9 with regard to any of your experiences in life?

10 A. My experience as far as -- as far as my  
11 experiences, yeah, what I experienced.

12 Q. Okay. And tell me a little bit about that.  
13 What was that screenplay about?

14 A. Well, I don't know if I have a screenplay  
15 because I don't necessarily know how to write a  
16 screenplay. But I've written stories or books and  
17 programs, mostly cautionary tales for at-risk youth.  
18 I speak publicly and speak to students, even while  
19 incarcerated. Probably ten years before my new  
20 trial or getting out on bond, I created content. So  
21 I drew -- I drew from my life experiences.

22 Q. Okay. And where is that content? Where are  
23 those writings? I'm going to call them writings  
24 generally, and that would include e-mails or things

1     you've put together, audiovisual. I'll just  
2     generally call them writings.

3             Where do you store that information?

4             A. Just generally, I have a website,  
5     iamkidculture.org. There are links on it to social  
6     media. I'm currently working in my office. There's  
7     a book, the Adventures of Kid Culture and the World  
8     Explorers. You know, so I have created a lot of  
9     content, including anti- -- like an antigang  
10    workbook, various newsletters that are topical.

11            Q. Have you kept any writings specifically  
12    with --

13            A. It's not based on --

14            Q. Go ahead.

15            A. I'm sorry. Go ahead.

16            No. That's all right. Go ahead.

17            Q. No. Go ahead and finish, Mr. Pursley.

18            You said it was not based on --

19            A. It's not based on this. It's based on my  
20    case -- it's not based on my case. It's based more  
21    on life experiences, things I've learned from life.

22            Q. Mr. Iasparro asked you about the bank  
23    robbery, and you asserted the Fifth Amendment with  
24    regard to your alleged involvement with regard to

1 the bank robbery in May of 1993.

2 He also asked you about, you acknowledged  
3 that you were aware that Samantha Crabtree, in her  
4 plea agreement or statement to the court, said that  
5 you were involved in that bank robbery.

6 Do you recall those questions from  
7 Mr. Iasparro?

8 A. I recall the questions, yes, sir.

9 Q. Okay. Do you have any reason as you sit  
10 here now or have you ever had any reason to know why  
11 Ms. Crabtree would have included you and stated that  
12 you were involved in that bank robbery?

13 MS. LEFF: Object to foundation. Calls for  
14 speculation.

15 A. Once again --

16 Q. Go ahead, Mr. Pursley.

17 A. Once again, I'm going to assert my Fifth  
18 Amendment right.

19 Q. I just want to make sure we're clear on the  
20 question. My question is, do you have any reason to  
21 know why she would say such a thing about you,  
22 namely, that you were involved in that bank robbery.

23 MS. LEFF: That question has been asked and  
24 answered.



1 Q. Go ahead, Mr. Pursley.

2 A. I don't know.

3 Q. Did you ever attempt to break out of the  
4 Winnebago County Jail in August of 1993,  
5 Mr. Pursley?

6 A. I may have, but not -- it wasn't like the  
7 way it was written in all my -- I may have had  
8 intent, but I never committed the act.

9 Q. Okay. What do you mean the way it was  
10 written?

11 A. Well, I guess there was a booth, a glass  
12 window booth broken, but that's all I can comment  
13 on.

14 Q. You can only comment --

15 A. I'll have to assert my Fifth Amendment right  
16 to free --

17 Q. You can --

18 A. I can only comment on the reports I read.  
19 As far as like involvement or culpability or guilt,  
20 I'd have to assert my Fifth Amendment right to be  
21 free from self-incrimination.

22 Q. Did you date Rachel Whitford in 1992?

23 A. I believe so, yes, if that's the right year.

24 Q. Well, how long did you date Rachel Whitford?

1 A. I would think a matter of months.

2 Q. Did you live with her at all?

3 A. No, sir.

4 Q. Did you ever choke or physically abuse  
5 Rachel Whitford?

6 A. No, sir.

7 Q. You would deny choking or physically abusing  
8 Rachel Whitford at any time; is that your testimony?

9 A. I do not believe I've choked Rachel Whitford  
10 in any way. We broke up on amicable grounds, as far  
11 as I remember.

12 Q. I just want to make sure we understand the  
13 question.

14 Have you -- my question was, did you ever  
15 choke her or physically abuse her in any way.

16 MS. LEFF: Object to asked and answered.

17 A. Not to the best of my memory. Not to the  
18 best of my memory, no.

19 Q. What does that mean? That means it's  
20 possible that you did, in fact, choke or physically  
21 abuse her and just don't recall now because of more  
22 factors that have occurred since then?

23 MS. LEFF: Object to form.

24 A. I do not believe I have.

1           Q. Well, when you say you don't believe you  
2     have, so if Rachel Whitford were to testify that, in  
3     fact, you did choke her and physically abuse her,  
4     you don't have a recollection one way or the other  
5     that you could refute that allegation; is that true?

6           MS. LEFF: Object to form. Assumes facts  
7     not in evidence. Misstates testimony.

8           A. As I stated --

9           Q. I didn't hear you, Mr. Pursley.

10          A. Just as I stated, I don't remember nothing  
11     like that.

12          Q. My question to you, though, is so if she  
13     were to say that you did choke her and physically  
14     abuse her, you just don't recall so you couldn't  
15     deny that allegation, you just wouldn't recall that  
16     ever having occurred.

17                 Is that what your testimony is?

18          MS. LEFF: Objection. Asked and answered.  
19     Argumentative. Misstates the testimony.

20                 You can answer to the best of your ability.

21          A. I don't know. I do not -- I don't remember  
22     nothing like that. I don't even remember arguing  
23     with her.

24          Q. Did you ever write a letter to her from jail

1 that you would kill her family?

2 A. Oh, my God. I hope not.

3 Q. Excuse me?

4 A. No, sir. This is the first I'm hearing of  
5 it. So I do not know anything about -- I don't know  
6 anything about that.

7 Q. So you deny that you wrote her a letter from  
8 jail stating that you would kill her family?

9 A. Yes. That does not sound like something I  
10 would say.

11 Q. Did you -- you know her sister, Rachel's  
12 sister; is that correct?

13 A. I would need a name, I guess.

14 Q. Do you ever recall burglarizing and  
15 vandalizing her sister's house at 1803 Auburn Street  
16 in 1992?

17 A. No.

18 Q. Did you date a lady by the name of Diane  
19 Winters?

20 A. Yes.

21 Q. Did you ever physically abuse Diane Winters?

22 A. Me and Diane Winters had an altercation.  
23 That's what got me sent back to prison from work  
24 release.

1 Q. And when was that?

2 A. I'm not sure of the month that I went back  
3 to prison from work release, but that was an  
4 incident.

5 Q. What happened?

6 A. Had an argument. I was driving a car,  
7 shouldn't have been driving. Anything else, I'd  
8 like to assert the Fifth Amendment right to be free  
9 from self-incrimination. I was rolled up for  
10 getting into an argument with her and driving a car  
11 that I wasn't supposed to be driving.

12 Q. Did you ever tell her you would kill her?

13 A. No, not that I believe. I don't...

14 Q. You deny ever saying that to Ms. Winters?

15 A. Yeah. Nothing I remember. I don't remember  
16 nothing like that.

17 Q. Okay.

18 A. I do not remember anything like that.

19 Q. Prior to May 12, 1993 -- and that's the date  
20 that the bank robbery occurred on Harrison -- do you  
21 recall whether Ms. Crabtree had in her possession or  
22 whether you were in a 1987 Oldsmobile Toronado?

23 MS. LEFF: I'm going to object to the  
24 compound nature of the question.

1 A. I'm --

2 MS. LEFF: You can answer.

3 A. Once again, I have to assert my Fifth  
4 Amendment right. I would have to assert my Fifth  
5 Amendment right to be free from self-incrimination.

6 Q. Okay. So with regard to the -- I'm sorry.  
7 The bank robbery was on May 13, 1993.

8 You will not answer any questions about the  
9 1990s at all, is that a fair statement, based on  
10 Fifth Amendment rights?

11 A. Yes, sir.

12 MR. POTTINGER: I don't have any further  
13 questions at this time.

14 THE WITNESS: Thank you.

15 MR. IASPARRO: Ifean or Sunil, do you guys  
16 have any questions?

17 MR. MOGBANA: This is Ifean. I don't have  
18 any questions.

19 MR. BHAVE: This is Sunil. I also don't  
20 have questions.

21 MR. IASPARRO: Hey, Alison, I've got just a  
22 couple of follow-ups.

23 MS. LEFF: Okay.

24 FURTHER EXAMINATION

1 BY MR. IASPARRO:

2 Q. Mr. Pursley, one additional topic I wanted  
3 to ask you about, in February of 1993, Samantha  
4 Crabtree went to Rockford Memorial Hospital and was  
5 treated for some injuries. According to a police  
6 report that's been produced in this case, which is  
7 RFD Defense 266 through 269, she later told  
8 Detective Forrester that she went to the hospital at  
9 that time in February of '93 because you had beaten  
10 her and pointed a gun at her and had pulled the  
11 trigger, although the gun was unloaded.

12 Did you do that, sir?

13 A. No, sir.

14 Q. Did you ever beat or physically harm  
15 Samantha Crabtree?

16 A. No, sir.

17 Q. Do you have any idea why Ms. Crabtree would  
18 tell Detective Forrester that when she spoke to him  
19 in August of 1993?

20 A. I have no idea.

21 Q. Did you ever have a disagreement or an  
22 argument with Samantha Crabtree in February of 1993  
23 about your use of crack cocaine?

24 A. One again, I'm going to have to assert my

1 Fifth Amendment right to be free from  
2 self-incrimination, but my answer would be no, sir.

3 MR. IASPARRO: Thank you. Those are all the  
4 questions I have.

5 MS. LEFF: If defense counsel doesn't have  
6 any additional questions --

7 MR. POTTINGER: Alison, just one quick  
8 question.

9 FURTHER EXAMINATION

10 BY MR. POTTINGER:

11 Q. Mr. Pursley, I had asked you about Rachel's  
12 sister, and at the time, I didn't recall the name  
13 myself.

14 Do you know a Pam DeMario? Does that ring a  
15 bell to you as being Rachel's Whitford's sister?

16 A. I believe she did have a sister named Pam.

17 Q. And maybe a husband by the name of Karl?  
18 Does that --

19 A. I don't remember that.

20 Q. Did you break into Ms. DeMario, Pam  
21 DeMario's, Rachel Whitford's sister's house at any  
22 time in your life?

23 A. No, sir, not that I'm aware of.

24 Q. When you say not that you're aware of, I'm



1 just trying to understand. Is that something you  
2 just don't recall doing and it's possible you did do  
3 it, or you just flat out deny doing such a thing?

4 A. Well, firstly, I'm asserting my Fifth  
5 Amendment right to be free from self-incrimination.  
6 Secondly, I don't know what you're talking about.

7 Q. You just don't recall that?

8 MS. LEFF: Objection. Asked and answered.  
9 Mischaracterizes the testimony.

10 Q. Is that true, Mr. Pursley? Is that true?

11 A. I guess so.

12 MR. POTTINGER: That's all I have. Thank  
13 you.

14 THE WITNESS: Thank you.

15 MS. LEFF: Any other defense counsel that  
16 has questions?

17 I don't see anybody.

18 So I'm going to suggest -- let's go off the  
19 record. Let's come back at 2:15, and I may have a  
20 few questions then.

21 (A short break was had.)

22 EXAMINATION

23 BY MS. LEFF:

24 Q. I have just a few questions for you,

1 Mr. Pursley.

2 Mr. Pursley, did Samantha Crabtree tell you  
3 what happened when she talked to the police on  
4 June 10, 1993?

5 A. Yes.

6 Q. What did she tell you?

7 A. That she was questioned until late at night.  
8 She was pregnant. She was sick. They threatened to  
9 take her kids. They threatened to lock her up.  
10 That's basically it. You know, they forced her to  
11 incriminate me.

12 Q. At any point, did you ask Sam Crabtree to  
13 put false information in an affidavit for you?

14 A. No.

15 Q. At any point, did you ask Sam Crabtree to  
16 give false testimony in court for you?

17 A. I have not.

18 MS. LEFF: Those are all the questions that  
19 I have.

20 MR. IASPARRO: I don't have anything else.

21 MR. HUOTARI: That's it for me as well.

22 MS. LEFF: Any follow-up?

23 MR. POTTINGER: No.

24 MS. LEFF: All right. We reserve signature.

1                   And, Patrick, you're done. You can sign  
2 off.

3                   (Off the record at 2:22 p.m..)  
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ACKNOWLEDGMENT OF DEPONENT

I, PATRICK PURSLEY, do hereby acknowledge  
that I have read and examined the foregoing  
testimony, and the same is a true, correct, and  
complete transcription of the testimony given by me  
and any corrections appear on the attached errata  
sheet signed by me.

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE)

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, Tiffany M. Pietrzyk, CSR RPR CRR, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this \_\_\_\_th day of \_\_\_\_\_, 2020.

*Tiffany M. Pietrzyk*

My commission expires:

February 28th, 2024